1908. Also, petition of citizens of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1909. Also, petition of citizens of Calexico, Calif., and other communities protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1910. By Mr. TAYLOR of Colorado: Petition from citizens of Kremmling, Colo., protesting against the passage of House bill 78, or any other bills relating to compulsory observance of Sunday; to the Committee on the District of Columbia.

1911. Also, petition from citizens of Montrose, Colo., protesting against the passage of House bill 78 or any other bills relating to compulsory observance of Sunday; to the Committee on the District of Columbia.

1912. Also, petition from citizens of Grand Junction, Colo., protesting against the passage of House bill 78 or any other bills relating to compulsory Sunday observance; to the Committee on the District of Columbia.

1913. By Mr. TILSON: Petition of Mrs. Julia M. Butler and others, opposing the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

1914. By Mr. SMITH: Petition signed by Mrs. John Zuidema and 34 other residents of Meridian, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1915. Also, petition signed by Charles W. Kromer and 32 other residents of Ada County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1916. Also, petition signed by Mrs. R. D. Boyd and 36 other residents of Twin Falls County, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1917. Also, petition signed by Mr. A. T. Ellis and 84 other residents of Boise, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1918. Also, petition signed by Mrs. J. S. Robinson and 19 other residents of Cassia County, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1919. Also, petition signed by Mr. Harold R. Vining and 62 other residents of Pocatello, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1920. By Mr. SPEARING: Petition of citizens of New Orleans, La., protesting against the passage of House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

1921. By Mr. STALKER: Petition of Mrs. George E. Meeker, of Elmira, N. Y., and other citizens of that vicinity, urging against the passage of legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1922. Also, petition of Mrs. Mary E. Rouse, of Corning, N. Y., and other citizens of that vicinity, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

1923. Also, petition of C. R. Elliott, of Elmira, N. Y., and other citizens of that vicinity, urging against the enactment of legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1924. Also, petition of Mrs. Alvin H. Marvin, of Elmira, N. Y., and 148 other citizens of that vicinity, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

1925. By Mr. WATSON: Petition of certain citizens of Pottstown, Pa., urging the passage of the Civil War pension bill proposed by the National Tribune; to the Committee on Invalid Pensions.

1926. By Mr. WINTER: Resolution adopted at the annual meeting of Chairmen of Boards of County Commissioners and County Assessors of Wyoming; to the Committee on Banking and Currency.

1927. Also, resolution adopted by the Torrington Lions Club, against further restriction of Mexican immigration; to the Committee on Immigration and Naturalization.

1928. Also, resolution adopted by the Lieut. Thomas King Camp, No. 26, of Rawlins, Carbon County, Wyo.; to the Committee on World War Veterans' Legislation.

1929. By Mr. ZIHLMAN: Petition of residents of Cumberland, Md., urging immediate steps be taken to bring to a vote a Civil War pension bill, carrying rates proposed by the National Tribune, in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

1930. Also, petition of residents of Kitzmiller, Md., urging immediate steps be taken to bring to a vote a Civil War pension bill, carrying rates proposed by the National Tribune, in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *January 18, 1928*

(Legislative day of Tuesday, January 17, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 773) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa, and it was thereupon signed by the Vice President.

REHABILITATION OF FARM LANDS IN THE FLOOD AREAS

The VICE PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas, which will be read.

Mr. ROBINSON of Arkansas. Mr. President, I move that the Senate concur in the House amendments.

I will take just a moment to explain the amendments. There are four amendments made by the House of Representatives. The first is on page 1, in lines 3 and 4, to strike out the words "existing in the lower Mississippi Valley as a result of the floods" and to insert in lieu of that language the words "in various States as a result of the floods."

The second strikes out in line 6 the word "area" and inserts in lieu thereof the word "areas."

The third inserts in line 11 the words "continue or," so that it will read "to continue or employ" instead of "to employ."

The fourth is on page 2, line 3, to insert the words "not more than" after the word "appropriated."

In my opinion, the amendments are not material, and I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SENATOR FROM ILLINOIS

The Senate resumed the consideration of the resolution (S. Res. 112) opposing the seating of FRANK L. SMITH as a Senator from the State of Illinois, reported from the special committee investigating senatorial campaign expenditures.

Mr. BORAH. Mr. President, before we start the discussion, I desire to submit a parliamentary inquiry. There are two resolves in the resolution, paragraph 1 and paragraph 2 of the resolution. I ask as a parliamentary proposition whether the resolution is subject to a division on the vote?

The VICE PRESIDENT. The resolution is subject to amendment.

Mr. OVERMAN. The Chair decides that the resolution is subject to amendment?

The VICE PRESIDENT. It is subject to amendment.

Mr. OVERMAN. But are the two resolves subject to be voted upon separately?

The VICE PRESIDENT. They can be voted upon separately.

PETITIONS AND MEMORIALS

Mr. BAYARD. I ask unanimous consent to have printed in the RECORD and referred to the Finance Committee a communication. with an accompanying resolution, that I have received under date of January 16, 1928, from the Illinois Bankers' Association.

There being no objection, the communication and accompanying paper were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

ILLINOIS BANKERS' ASSOCIATION,
Chicago, Ill., January 16, 1928.

Hon. THOMAS F. BAYARD,
Member the Senate, Washington, D. C.

DEAR SIR: The Illinois Bankers' Association is much interested in the enactment of H. R. 1 and especially in the provision pertaining to the corporation income tax. I take the liberty of inclosing a copy of

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

resolutions on this subject adopted by our committee on Federal legislation, which have been approved by our executive council.

We believe that corporations are entitled to a reduction in the corporation income tax to a rate not to exceed 10 per cent; that such a reduction will help to aid industry and prevent a possible business depression; that individuals doing business as such now have a distinct advantage over corporations because of unequal Federal taxation, and that the present rate is unfair to corporations.

We respectfully urge that H. R. 1 be given immediate consideration and legislation granting the desired relief enacted as early as possible. Delay would not only prevent the reduction in the tax that corporations as a whole seem entitled to, but would continue the present inequity for another year.

Your efforts along this line will be very much appreciated by the bankers of Illinois.

Yours very truly,

M. A. GRAETTINGER, *Secretary.*

The committee believes that corporations were discriminated against when the Federal income law was last amended; that the relief to corporate business previously expected and not granted should now be forthcoming; that the present Federal tax of 13½ per cent on every dollar of net earnings by corporations is oppressive and unjust; that the tremendous surplus accumulating annually in the United States Treasury warrants a reduction and that such reduction should be no less than 3½ points, leaving a net corporate tax of 10 per cent.

To the end that the law may be amended to bring the desired and deserved relief to corporations, this committee will use its best efforts to arouse the interest of, and secure the promise of support from, the Senators and Congressmen of this State.

Mr. CAPPER presented a resolution adopted by the Evangelical Mission Church, of New Gottland, Kans., protesting against the quota provision of the existing immigration law and favoring the amendment of that law so that the new quota provision be repealed and the provision of previous law continued, which was referred to the Committee on Immigration.

Mr. BINGHAM presented a resolution adopted by the Swedish Evangelical Mission Church, of Woodstock, Conn., protesting against the quota provision of the existing immigration law and favoring amendment of that law so that the new quota provision be repealed and the provision of previous law continued, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1425) to remove a cloud on title, reported it without amendment and submitted a report (No. 95) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (S. 61) granting an increase of pension to Louise A. Wood, reported it without amendment and submitted a report (No. 96) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 1541) for the relief of George A. Robertson, reported it without amendment and submitted a report (No. 97) thereon.

Mr. SHORTRIDGE, from the Committee on Naval Affairs, to which was referred the bill (S. 150) for the relief of former officers of the United States Naval Reserve force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment, reported it with amendments and submitted a report (No. 98) thereon.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1455) to grant extensions of time under coal permits (Rept. No. 99); and

A bill (S. 2021) extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925 (Rept. No. 100).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 2651) granting an increase of pension to Lucinda Johnson; to the Committee on Pensions.

A bill (S. 2652) to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," which act was approved June 10, 1920, and for other purposes; to the Committee on Commerce.

By Mr. WALSH of Massachusetts:

A bill (S. 2653) for the relief of Helen L. O'Brien;

A bill (S. 2654) for the relief of the estate of Michael P. Small, deceased, formerly an officer in the United States Army; and

A bill (S. 2655) to carry out the findings of the Court of Claims in the case of the Atlantic Works of Boston, Mass.; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 2656) to establish a minimum area for a Shenandoah national park, for administration, protection, and general development by the National Park Service, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 2657) for the relief of George W. Boyer; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 2658) authorizing the President of the United States to appoint a committee of five from executive departments or independent establishments of the Federal Government to recommend to the Committee on Disposition of Useless Executive Papers the disposition of such documents, and for other purposes; to the Committee on Printing.

By Mr. NORRIS:

A bill (S. 2659) to amend section 918 of the Code of Law for the District of Columbia; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes; to the Committee on the District of Columbia.

By Mr. NORBECK:

A bill (S. 2661) granting a pension to Ursula Sophia G. Cleaver (with accompanying papers);

A bill (S. 2662) granting a pension to William B. Griffin (with accompanying papers); and

A bill (S. 2663) granting an increase of pension to Rosalie Labrie; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2664) granting an increase of pension to Jane Hosler (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2665) to increase the minimum rate of pensions; to the Committee on Pensions.

A bill (S. 2666) granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; to the Committee on Commerce.

By Mr. CURTIS:

A bill (S. 2667) granting an increase of pension to Mary R. Dickman; to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 2668) for the relief of the estates of Francis A. Gonzales and Antonio Gonzales; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 2669) granting a pension to Dennett H. Mosely; to the Committee on Pensions.

A bill (S. 2670) to correct the military record of James Russell Davis, jr.; and

A bill (S. 2671) providing for the honorable discharge of John Fawcett as captain in the United States Army; to the Committee on Military Affairs.

Mr. FLETCHER. I introduce a joint resolution for reference to the Committee on Commerce. I understand that great pressure is being brought to bear on the Shipping Board to dispose of a fleet of some 36 ships on the Pacific coast, and I understand the same movement is on foot as to the Atlantic coast. I introduce the joint resolution so that we may, if possible, protect the Shipping Board from being coerced into a position which I know is wrong.

By Mr. FLETCHER:

A joint resolution (S. J. Res. 77) directing the United States Shipping Board to make no sales of vessels operated by it except under certain conditions; to the Committee on Commerce.

By Mr. TRAMMELL:

A joint resolution (S. J. Res. 78) providing for a survey for a cross-State canal from the east to the west coast of Florida; and

A joint resolution (S. J. Res. 79) providing for a survey for a sea-level canal from Miami, Fla., to Poinciana, Fla.; to the Committee on Commerce.

RESTRICTIONS OF LOANS BY FEDERAL RESERVE BANKS

Mr. LA FOLLETTE submitted the following resolution (S. Res. 113), which was referred to the Committee on Banking and Currency:

Whereas the total loans secured by stocks and bonds of the 51 member banks in the New York Federal reserve district on January 11, 1928, reached the unprecedented total of $3,819,573,000; and

Whereas the largest part of this sum is used for speculation on the New York Stock Exchange, as stated by the Federal Reserve Board in its annual report for 1926, as follows:

"The largest growth, both absolutely and relatively, was in security loans, which increased by about 66 per cent during the period. That this growth in loans on securities represents to a considerable extent an increased volume of credit used in financing transactions in securities at the New York Stock Exchange is indicated by the rapid growth during the period of loans to brokers and dealers in securities in the New York market"; and

Whereas during the past year such speculative loans made through the Federal reserve system have increased more than a billion dollars, and during the past seven years more than $3,000,000,000; and

Whereas the reports of the New York Federal Reserve Bank reveal that $1,502,580,000 of these loans on stocks and bonds is for the account of out-of-town banks, representing credit transferred from other parts of the country, to be used in New York for speculative purposes; and

Whereas the inevitable result of the utilization of the funds of the Federal reserve system for speculative purposes is to restrict the amount of credit available for legitimate commercial purposes, as is indicated by the fact that the amount of commercial paper outstanding as reported to the Federal Reserve Bank of New York actually decreased from a total of $925,379,000 in October, 1924, to $610,945,000 in October, 1927; and

Whereas the intent of the Congress in the creation of the Federal reserve system was to prevent its use for the encouragement or support of purely speculative operations, as is evidenced by the following paragraph of section 13 of the Federal reserve act:

"Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount within the meaning of this act. Nothing in this act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount, and the notes, drafts, and bills of exchange of factors issued as such making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States": Now, therefore, be it

Resolved, That it is the sense of the Senate that the Federal Reserve Board should immediately take steps to restrict the further expansion of loans by member banks for speculative purposes and as rapidly as is compatible with the financial stability of the Nation require the contraction of such loans to the lowest possible amount; and be it further

Resolved, That the Federal Reserve Board be directed to report to the Congress what legislation, if any, is required to prevent the future use of the funds and credit of the Federal reserve system for speculative purposes.

CONFERENCE FOR THE LIMITATION OF NAVAL ARMAMENT

Mr. HALE. Mr. President, I present the records of the Conference for the Limitation of Naval Armament, held at Geneva from June 20 to August 4, 1927, which I move be referred to the Committee on Printing with a view to having it printed.

The motion was agreed to.

RICHMOND P. HOBSON ON THE PERIL OF NARCOTIC DRUGS

Mr. BLACK. Mr. President, I present an article prepared by Hon. Richmond P. Hobson, director of the Anti-Narcotic League, on the peril of narcotic drugs, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO DISTINCT NARCOTIC PROBLEMS

There are two distinct narcotic problems that menace the world. The old opium problem proper, that affects chiefly the eastern peoples; the new heroin problem, that now menaces the western nations. Heretofore the old problem, naturally, has held the center of the stage, and the new problem has scarcely yet come in for recognition, though it menaces the western world more than the old problem the eastern world. The opium problem grows slowly. The heroin problem is spreading with inconceivable swiftness, and it is of the utmost importance that it should engage the attention of western nations with the least possible delay.

THE SERIOUSNESS OF BOTH PROBLEMS

It is hard to realize how serious these problems really are—the opium problem to the eastern world, the heroin problem to the western world. Addicts in the Orient are numbered literally as tens of millions.

In the western world the ravages of heroin addiction are fast getting beyond control.

The health commissioner of a great city of the Middle West, investigating the cause of the rising tide of crime, reported that girls and boys are appearing in the underworld by the thousands at very tender ages—14, 15, 16, 17—practically all of the girls and most of the boys having come by the swift drug road.

Scientific men, in view of the hopelessness of permanent cures, call drug addicts "the living dead."

PHILOSOPHY-HISTORY

The human race is consuming every year many thousands of tons of poisonous narcotic drugs, not 1 per cent of which is necessary for strictly medicinal purposes. Nearly all of this great quantity is consumed by addicts who number in the world scores of millions—who are abject slaves—who consider getting their drug supply as the supreme consideration, in many cases as a matter of life and death.

The production and distribution of these drugs constitute a profitable traffic of vast proportions extending to all corners of the earth. In the Orient, the chief home of the sleep poppy whose seed capsules produce opium, the governments, for the revenue profits, encourage and often subsidize production and control distribution. In the Occident, where chemical science is turned to concentrating the poison of opium into morphine and turning this into a still more powerful poison narcotic (heroin), laws and regulations loosely enacted for repression drive most of the addiction traffic to cover, where it flourishes in the dark in spite of the agents of the law.

The motive and urge that constantly drive the traffic on are the enormous profits, the jobber and retailer between them often realizing more than a thousand per cent profit. Add to this the lure for the armies of impoverished addicts of getting the drug for themselves through recruiting and supplying new addicts. It is not surprising that the amount of narcotic drugs produced is probably thirty times the amount required for medicinal purposes.

Human slavery as a source of profit dates back to remote ages and continued far into the Christian era, almost to the present time—even amongst advanced peoples. The bondage of narcotic drugs is a modified form of the exploitation of slavery. While this form of exploitation of human beings through bondage is of less than two centuries growth, it has reached proportions both in the number of bondmen and in the profits of the traffic, far greater than those of the slave traffic at its maximum. The source of supply of the new drug, "heroin," the most menacing narcotic drug yet produced, has heretofore been opium and morphine, but because of the enormous profits in the exploitation of this drug, due to its power of enslaving the youthful victims, the new banditry made possible, and the recruiting activities of its victims, through a veritable mania, we may expect synthetic chemists to develop new sources of supply, in all probability starting from coal-tar products. Furthermore, in course of time for the same reasons we may expect as synthetic chemistry progresses the bringing forth of new narcotic drugs even more powerful and deadly than heroin.

The profits are so great because the poor addict, under the awful depression and torture of withdrawal symptoms, feels he must have the drug, no matter what the cost or the consequences, whether he has to spend his last dollar, whether he has to steal to get the money, whether he has to rob or even commit murder.

The bulk of this vast horde are "hooked" into addiction because of their ignorance, never dreaming what the consequences are to be when they take the first "shot" or first "sniff."

IGNORANCE—THE REAL CAUSE

Manifestly, no normal youth, or, for that matter, normal adult, would deliberately embrace this "living death" of drug addiction if he knew what it meant. The whole recruiting system is based on the ignorance of the victims, and thorough education would literally sweep away the very foundation of this hideous traffic.

"Tuffy Reid," a youth of 20, of Los Angeles, Calif., was hanged recently at St. Quentin, the California penitentiary, for murder committed while robbing a store.

Just before the execution he gave a statement that ended with these words:

"I never committed a crime until after I was 'hooked' at the age of 16. A peddler offered me a pinch of 'snow,' saying it was 'great stuff' and would give me a kick. When I held back he said, 'Oh, be

a sport; try anything once.' I did. But it was once too often. I never dreamed what it would lead to. Oh, if somebody had only warned me.

"There are so many ways in which they are 'hooking' the boys and girls. Why, in heaven's name, doesn't somebody warn them?"

Society is made up of individuals and has the same motives of self-preservation as the individual, and it is only in its ignorance that it could be subjected to ruthless exploitation of drugs. Therefore, the fundamental principle of grand strategy of the struggle is simple. The forces of education that may be termed the "life forces" must find the way to get the vital knowledge of drug addiction to society, and especially to the youth, while the forces of exploitation, which may be termed the "death forces," for their own existence must thwart these efforts and throw all obstacles in the path.

MAJOR TACTICS

Remembering this fundamental principle, it is not difficult to recognize the plays inaugurated by the enemy. The following are some of them:

(1) The agents and the friends of the traffic to pretend to be opposed to education on the ground of the danger of arousing curiosity and getting better results from suggestion. As a matter of fact, educators exploded this fallacy in general long ago. Curiosity and the impulse to try anything once are aroused by the peddlers when the victim is ignorant, whereas loathing is aroused when he is informed. It is manifest that with such awful consequences falling upon addicts this, of all questions, lends itself the most effectively to the processes of education.

(2) Agents and friends of the traffic would be opposed to popular articles with fear that exaggerations may slip in. As a matter of fact, with so much secretiveness, when new facts are brought out it can be assumed that "the half has never been told."

(3) Agents and friends of the traffic keep the heroin problem in the background by keeping the eyes of the western world turned upon the opium problem of the East and away from the heroin problems of the West.

(4) Agents and friends of the traffic express surprise and doubt the discovery and production of synthetic heroin, with the inference that opium is still necessary to its production and in treating addiction problems of the West, as though it were simply the comparatively slight problem of morphine addiction and one of therapeutics, to be dealt with and controlled by the medical profession, and to ignore or minimize the great and overshadowing problem of criminal heroin addiction.

(5) Agents and friends of the traffic pose as infallible in their own unscientific conclusions, and criticize without scruples the conclusions of those promoting education, no matter how scientifically arrived at.

(6) Agents and friends of the traffic oppose secretly all important moves of those promoting narcotic education and spread under cover false rumors concerning the affairs of education organizations.

(7) Not infrequently the instruments for such unscrupulous methods are addicts themselves, with naturally very little regard for veracity and honor, whose psychology can usually be protected by its apologetic attitude toward addicts and its tendency to belittle the problem of addiction. It is not necessary to pursue these tactical items further. Speaking generally, while there may be exceptional cases, it can be said that active opposition to reasonable efforts for narcotic education is indefensible.

The sleep poppy, the source of opium, is a native plant in Asia and southeastern Europe. Frequent notices of its use for poisoning are found in ancient and medieval records. Opium smoking was devised by the Dutch in Java in the eighteenth century, first mixed with tobacco, then used alone. From Java it was taken to Formosa, and thence to the mainland of China.

Portuguese traders first developed the importation of opium into China.

They were succeeded by the East India Co. with a monopoly of the traffic of India. The amount shipped from India into China rose as high as 10,000,000 pounds in the year 1858. In 1906 the production in China itself was estimated at 44,000,000 pounds, importations from India that year being over 7,000,000 pounds. At that date estimates place the number of addicts in China at 27 per cent of the adult male population.

In 1803 a French chemist discovered how to produce morphine from opium, and a half century later an American chemist discovered how to produce cocaine from coca leaves.

These concentrated drugs used generally in medicine, ten times as powerful as opium, swiftly produced addiction in all lands, at first as a by-product of medical practice, later through exploitation as well.

In 1898 a German chemist discovered how to produce heroin from morphine, between three and four times as powerful as morphine. With the spread of heroin, the narcotic menace has developed into a pressing world peril.

In 1729 the Chinese Government issued an edict prohibiting opium smoking in China. The effect was good but proved of little permanent avail. In 1790 the Chinese Government again issued an edict prohibiting opium smoking and in 1800 prohibiting the importation of opium into China. This led up to the opium wars waged on China which compelled its submission to the importation of the opium.

The dawning of hope for real reform came when America in 1905 enacted a law prohibiting opium traffic in the Philippine Islands and sent a committee to the governments of the Orient. This action was followed by China in 1906 with an edict prohibiting the use of opium and the culture of the poppy. Upon the initiative of the United States, the first international opium conference was held in Shanghai in 1909, followed by a second and third conference at The Hague in 1912 and 1913. Recently conferences of the opium commission of the League of Nations and its committees have been held at Geneva.

These conferences while of great value, particularly in bringing out the fact that narcotic drug addiction is a problem to all nations and to the human race, have illustrated how slow and how difficult it is to secure adequate international cooperation and how even where these have been secured, though of elementary nature, the greatest difficulties have been encountered on account of smuggling. Universal experience has shown that laws and treaties are difficult to secure and more difficult to enforce.

The Shanghai conference in 1900, The Hague convention of 1912 and 1913, and the meetings of the opium commission of the League of Nations, successor of The Hague conventions, have been confined with limited agenda, to processes of law, while the Philadelphia world conference of 1926, called by the International Narcotic Education Association, was restricted to questions of narcotic education. The conference of committees in New York in 1927, on the other hand, grappled with the whole problem of narcotic defense and founded the World Narcotic Defense Association to be a center of control to promote the defense, relief, safety, and immunity of mankind from this universal menace.

WORLD NARCOTIC DEFENSE ASSOCIATION

The desire for financial profits, springing from the basic and universal motive of self-preservation, tends to bring forth antisocial business activities on the part of individuals and groups to exploit society through harmful commodities, especially those that are habit forming and enslaving, which, naturally, prove the most profitable.

Since the universal motive of self-preservation raises a barrier of protection where knowledge and appreciation of the consequences exist, the exploitation thrives upon the ignorance of its victims before their capture and their helplessness afterwards. Therefore, education, revealing the nature and consequences, is fundamental in any comprehensive treatment.

This exploitation partakes of the nature of a parasite and the nature of a beast of prey or inherent enemy. Therefore, governmental and legal processes are logical weapons for society to invoke and organize for its defense.

Since its victims are the chief instruments through which this enemy preys upon society, the isolation and rehabilitation of these victims, constitute an integral part of the treatment.

The defense of society against narcotic-drug addiction must therefore embrace processes of education, processes of law, and processes of reclamation.

The following is the resolution adopted at the conference of committees:

"*Resolved*, That the governing board of the conference be authorized and requested to provide for the incorporation under the laws of the State of New York of an association, nonprofit, wholly eleemosynary, to be known as the World Narcotic Defense Association, with full powers to utilize all honorable means to attain the following object, namely, the mobilization and direction of the resources and vitality of society everywhere against narcotic-drug addiction to acquire and maintain immunity from this universal racial menace.

"*Resolved further*, That the World Narcotic Defense Association should have authority to raise, establish, and administer the narcotic-drug defense foundation and other funds for developing existing agencies and creating and developing new agencies of narcotic defense, including processes of education, processes of law, processes of reclamation, and such other agencies and processes as the association may deem necessary or expedient to combat the ravages of narcotic-drug addiction in America and throughout the world."

In pursuance of this resolution the association has been duly incorporated under the laws of New York, with the members of the governing board as incorporators.

This association is designed to be a central control to stimulate, organize, direct, and correlate narcotic-defense activities everywhere in all departments so that processes of education, processes of law, and processes of reclamation will act and react until the vital forces of organized society are marshaled to throw off this menacing ill.

The main reliance in America, as in other lands, for permanent relief from this threatening ill must be found, as intimated before, in the process of prevention through organized narcotic education. Experimentation during the last seven years has brought out the methods by which this can be effectuated. The principle involved is that of having an analogy of a nerve center or ganglion of the body physical which presides over the question of safety from this peril

and organizes and stimulates and directs the vital forces of society to make effective resistance. For carrying out this principle two organizations have been developed by a process of actual functioning, namely: The International Narcotic Education Association, incorporated in 1921 under the laws of California, a corporation "not for profit," which undertakes to organize, develop, and standardize narcotic education in the schools, colleges, and education machinery proper of this country proper and ultimately of other countries, and the World Conference on Narcotic Education, its subsidiary, founded in Philadelphia July 8, 1926, which seeks the cooperation of organized agencies, the press, the pulpit, the screen, the radio, clubs, associations, etc., to extend narcotic education throughout society in general, and especially during narcotic education week, the last week of February of each year.

NARCOTIC EDUCATION WEEK

The following is an extract from the report of the first annual observance of Narcotic Education Week, February, 1927:

"The phenomenal success of the first annual observance of narcotic education week, the last week in February, 1927, in the enthusiastic adherence throughout this country, as well as in many foreign lands, and the quickened interest which was manifest in all departments, fully justifies making Narcotic Education Week a permanent institution and further demonstrates the fact that in education we are on the true road.

"Special satisfaction is felt from the effect of public opinion created during Narcotic Education Week upon the legislatures of the several States in session at that time. Many legislatures heretofore indifferent promptly took up and enacted progressive narcotic legislation. Especially gratifying has been the Legislatures of California and New York. For many years these legislatures had regularly defeated narcotic bills. After narcotic education week and during the congested periods that precede adjournment these legislatures, without serious opposition, passed progressive laws that would have been considered impossible of passage before.

"Evidencing the splendid indorsement of Narcotic Education Week, out of 3,400 replies to a preliminary query addressed to a group of individuals comprising the leaders of thought in various fields, designed for the purpose of appraising public sentiment, 3,369 were favorable and 31 unfavorable—opposition amounting to less than one-tenth of 1 per cent.

"Using the spoken word, records show that more than 21,000 organized programs were conducted by civic and religious organizations, nearly 10,000 by woman's organizations, about 5,000 by colleges, schools, and teachers' associations. Nearly 400 broadcasting stations put a narcotic education message on the air, and 76 of these put on a well-prepared drama.

"The written word was as widely invoked. Clippings from all parts of the country show the general cooperation of the press, through the Associated Press, the United Press, Universal Service, and other agencies. The service included editorials, pictorials, news items, general, national, local, feature articles, etc. The local press gave important assistance, especially in helping groups in putting on their programs. Major organizations, institutions, business groups freely used their own trade journals, periodicals, bulletins, etc.

"The far-reaching benefit of so vast an educational impact through both the spoken word and the written word can scarcely be overestimated. Narcotic Education Week ought truly to serve as a continuing stimulus to more energetic effort throughout the future."

TOXICOLOGY—BIOLOGY

The principal narcotics that have defied legal control and are now scourging humanity, namely, opium, morphine, cocaine, heroin, belong to the general class of organic or hydrocarbon poisons. They concentrate their attack upon the nervous system, producing in toxic doses, delirium, coma, convulsions.

These are all alkaloidal poisons, most of which in nature are generated by plants.

Opium is the coagulated sap of the capsules of the sleep or white poppy, grown chiefly in India, China, Turkey, and Persia. Morphine constitutes the principal poisoning element in opium, about 8 to 15 per cent. Heroin was made formerly only from morphine by treating it with acetic acid and hydrochloric acid. It is reported now, as stated, that chemists have learned how to make it synthetically from coal-tar products. Cocaine is made usually from the leaves of the coca plant grown chiefly in South America, but is now made also synthetically from coal-tar products.

Chemically, these poisons are built up around the deadly pyridin base containing five atoms of hydrogen, five atoms of carbon, and one atom of nitrogen, joined together in a nucleus like a closed ring. The complex structure in this opium group contains three rings, the phenanthren structure united to the nitrogen nucleus, with oxygen introduced.

In morphine, the formula, $C_{17}H_{19}O_3N$, contains 17 atoms of carbon, 19 of hydrogen, and 1 of nitrogen, 3 of oxygen. The formula of cocaine is $C_{17}H_{21}O_4N$. In the case of heroin, acetic and hydrochloric acid introduce additional complexity, giving more powerful poisoning properties, producing morphine-diacetylate, having the formula $C_{21}H_{23}O_5N$.

Protoplasm, the living material from which all living parts are built, is composed of proteins, water and a little salt. Its life processes require a regular supply of food and oxygen and regular elimination of waste products. Some poisons attack the protoplasm itself; some interfere with its necessary life processes; some do both.

The highly organized alkaloidal poisons combine readily with proteins, and easily penetrate the wall or sheathing that protects the living cells. Consequently, we would expect the result to be not only violent derangement in the usual activities and life processes but permanent injury to the structure.

Since the nervous system is the most highly organized part of the whole human organism, it is not surprising that these complex alkaloidal poisons should show their chief effect upon the nervous system and should attack man more than the lower animals. Since, of the nervous system, the upper brain is the most delicate, it is not surprising that this part should be quickly attacked and deeply injured, although it is from damage to the functions of the lower brain that death occurs with a fatal dose.

PHYSIOLOGY

Narcotics are soluble in fat, so they penetrate the fatty sheathing that protects the brain from most harmful substances in the blood current, and in this way the poison comes quickly in contact with the delicate, highly organized gray matter.

One of the earlier physiological effects is to stop the action of the parts that cause the sensation of pain, and this is what gives narcotics their chief legitimate value in the practice of medicine, but even in the effect of deadening the sense of pain the action of the drug is that of a poison. The medicinal is contracting.

In the same way these poisons attack the delicate, carefully protected organs of reproduction, impairing the sexual powers of the male, causing the female addict to become sterile, and undermining the germ plasm, by virtue of which the species renews its life from generation to generation.

Tyrode (Harvard), in his Pharmacology, sums up the symptoms of morphine addition as follows: "Depravity of the mind; general debility; loss of weight and appetite; loss of sexual powers; sleeplessness; eczema; contracted pupils; diarrhea, alternating with constipation; and finally death from malnutrition."

The case is different with cocaine and heroin. The victims of these powerful drugs, unless they have repeated treatment, live but a short time, at best. The degeneration of the upper brain is so swift that the elements of character crumble in a few months. Complete demoralization follows and often the life of crime joins with physical ills and the spur of torture of the drug to hasten the end.

One-eighth of a grain of morphine or one twenty-fifth of a grain of heroin is sufficient to cause the drug effect. In a few days the system will develop sufficient capacity to neutralize this quantity. Then the drug effect will be felt only after getting beyond the point of neutralization, when it will be necessary to have a quarter of a grain, later a half grain, and soon a grain and more to produce the desired effect. Though 1 to 2 grains of morphine is a fatal dose ordinarily to a person unaccustomed to the drug, 10 grains of morphine daily is common, many taking 20 grains, some 50. There are records of more than 100 grains taken daily.

When the drug begins to subside, as it does in a few hours, the equilibrium is upset as though by an irritating poison. The distressing effect is general, no part of the body escapes. A condition of torture sets in. The muscles seem to become knotty. Cramps ensue in the abdomen and viscera, attended frequently by vomiting and involuntary discharge of the bowels. Pains often succeed each other as though a sword were being thrust through the body. In advanced cases this suffering (called withdrawal symptoms) is considered the most acute torture ever endured by man and continues for days. In some cases death will ensue if the addict is far advanced and the dose or "shots" are suddenly stopped. The drug of addiction will quickly relieve this torture. Naturally the addict comes to consider getting his supply of the drug as a matter of life and death.

PSYCHOLOGY

Morphine, cocaine, heroin are white powders, all soluble in water, all bitter to the taste. Morphine is usually put up in the form of tablets. Cocaine and heroin are called "snow," and in various localities by other names.

Heroin predominates now, especially in the eastern portion of the United States, so that "snow," "snow parties," etc., refer usually to heroin.

When luring girls into addiction the peddler often calls heroin "headache powder." With peddlers at large, using as they often do boys and girls to aid them, the safe precaution for a youth of either sex to take is to repulse instantly any suggestion to "take a shot," which means to take a hypodermic of morphine, to take "a sniff" or "a blow" of "snow," and to avoid all forms of white powder.

It is the custom to give away heroin free to the youth till he or she is "hooked." When children are away from home it is a safe practice to accept nothing as a gift to eat, drink, or whiff, not even from a supposed friend. When you decline the first offer, the boy or

girl aiding the peddler will taunt you or challenge you and say, "Try anything once," "You will get a kick out of it," "Watch me," "Come to our 'snow party' and watch the other fellows do it." Alas! Once is once too often. The poison is so swift that the poor youth will seek the next party for relief, and the next. A "snow party" a day for a week will probably drag a youth into the bondage of addiction worse than death from which experience teaches there is no sure escape.

The narcotic poison penetrating the upper brain naturally inflicts the deepest and swiftest injury upon the parts that are the tenderest, the most complex, and unstable, which are developed latest in human evolutionary progress and distinguish the man from the brute. This part of the brain may be considered as the temple of the spirit, the seat of altruistic motives, of character, of those high, God-like traits upon which an advanced and enduring civilization are built.

The transformation in character is swift in the young, and swifter with cocaine and heroin than with the other narcotics. In an incredibly short time a youth of either sex "hooked" with the "snow gang" loses the results of good heredity and of careful home training.

Self-respect, honor, obedience, ambition, truthfulness melt away. Virtue and morality disintegrate. The question of securing the drug supply becomes absolutely dominant. To get this supply the addict will not only advocate public policies against the public welfare but will lie, steal, rob, and if necessary commit murder. Thus we can understand how intimately addiction is connected causatively with crime.

In addition to the general antisocial traits of all addicts the heroin addict has two special characteristics: First, for a period after taking the drug he experiences an "exaltation of the ego," looks upon himself as a hero. Bent upon getting money to buy his drug, he will dare anything, thinks he can accomplish anything. The daylight holdups, robberies, and murders committed by these young criminal heroin addicts eclipse in daring all the exploits of Jesse James and his gang. This can be said also of cocaine addicts.

Secondly, the heroin addict has a mania to bring everybody else into addiction. It may be said in general that all addicts have a desire for company and wish others to share with them the problem of securing the drug supply, but in the case of the heroin addict, it is an absolute mania for recruiting. He thinks, dreams, plots to bring all whom he contacts into addiction. All addiction tends to spread. Heroin addiction can be likened to a contagion.

Dr. Alexander Lambert, in a hearing before the Committee on Foreign Affairs, Sixty-seventh Congress, said: "Cocaine brings an insanity, an acute insanity with it, but cocaine and heroin both inflate personality. Heroin cuts off the sense of responsibility in the moral sense much quicker than morphine. The heroin addicts will more quickly commit crime, with no sense of regret or responsibility for it. The herd instinct is obliterated by heroin, and the herd instincts are the ones which control the moral sense in the sense of responsibility to others. Heroin is the worst evil of them all."

Another general characteristic of addiction psychology is secretiveness. Where the drug supply is easily accessible so that withdrawal symptoms do not occur, addicts sometimes remain for months or years undetected by their own families and most intimate friends.

SOCIOLOGY

The family is the foundation of society. In the family, society not only prepares its citizenship in the most essential attributes of character, but renews its very life through the welding of two lines of germ plasm. Without considering the economics of the home and the want and tragedy that come in with narcotics, we must look upon narcotics as making a deadly assault upon the germ plasm itself. In the earlier stages addiction weakens the germ plasm and tends toward the production of abnormal offspring.

In the later stages of addiction, the male addict loses sexual power and the female addict becomes sterile, thus the line of germ plasm ends.

It is usually morhpine given in illness by a careless physician or taken in patent medicines that brings addiction, with its train of sorrows, to parents in established homes. However, these make but a small percentage of the new addicts. Heroin, on the other hand, usually catches the boy and the girl between 16 and 20, or even younger, like the young bird before it has learned to fly, and the new homes are never built. These victims constitute the bulk of new recruits that are swelling the ranks of addiction.

The average standard of character of the citizen determines the stage of civilization. The spread of morphine addiction tends to bring social disorders and gradual decay. The spread of heroin besides lowering the standard of citizenship of necessity hastens social death by stopping the reproduction of homes.

It is with the Nation as with the individuals and the families that compose the Nation. The unchecked advance of addiction must entail national degradation, ending in national death.

In scientific circles, because of their ghastly plight and almost hopeless outlook for permanent relief, addicts are called the "living dead." The spread of addiction in any land must be regarded as the approach of the "living death" to that people. Left to run its course, the approach will be slow or swift according to the drug—slow with opium, faster with morphine, galloping with heroin.

Suppose it were announced that there were more than a million lepers among our people. Think what a shock the announcement would produce. Yet drug addiction is far more incurable than leprosy, far more tragic to its victims, and is spreading like a moral and physical scourge.

In the latest hearings—those conducted by the Committee on Ways and Means, having under consideration the Porter antiheroin bill, just enacted—Dr. Amos O. Squire, chief physician of Sing Sing prison, said: "That drug addiction is on the increase there is no doubt in my mind. To illustrate, since 1918, comparing it with the year ending June, 1922, shows an increase of 900 per cent in the number of drug addicts admitted to Sing Sing prison. There has been a radical increase since 1919."

Before the same committee John W. H. Crim, Assistant Attorney General of the United States, speaking of narcotic addiction, said: "It is unquestionably increasing. About 40 per cent of the prisoners we are sending to the penitentiaries at Atlanta, Leavenworth, and McNeil Island this term of court are addicts."

On account of secretiveness no one knows just how many heroin addicts there are in the country. We know it is an army. Serious estimates for the total number of addicts as reported in the 1918–19 survey of the Treasury Department range from 200,000 to 4,000,000. Dr. Carleton Simon, special deputy police commissioner of New York City, has estimated that while only 58 ounces of heroin were lawfully prescribed by the medical profession in the city of New York in the last 12 months, 76,000 ounces were consumed. Remember that 2,000 young addicts can be created with 1 ounce. The mind that concentrates upon the heroin problem must stand appalled.

The latest and most authoritative estimates are those relating also to the city of New York, reported to the Philadelphia World Conference on Narcotic Education by the commissioner of correction, the senior medical officer, the warden and the chief of criminal identification of that city. This survey shows 60 per cent of all inmates of correctional institutions, involving cases of moral turpitude, as addicts or narcotic cases, and the official estimate for that city is placed at 200,000. Court records show that most of these addicts are heroin addicts of tender ages—in their teens or just out.

When it is remembered that heroin was only discovered in 1898 in central Germany and began to be exploited in America in 1910, it is evident that its expansion has been at an alarming rate in recent years. This is borne out by records of the narcotics division of the Treasury Department in their report of offenses against narcotic laws—the number in 1918 was 1,000; in 1919, 2,000; in 1921, over 4,000; and with steady and rapid increase had reached over 10,000 in 1925. A questionnaire sent out by a special committee under the chairmanship of Hon. John W. Davis to correctional institutions and departments of justice shows a similar alarming increase in the last few years.

The chief of the criminal identification bureau of New York reported at the Philadelphia World Conference that nearly all of the banditry, daring daylight robberies, holdups, and crimes of violence in that city are being committed by addicts, especially heroin addicts and cocaine addicts, many of them very young. The health commissioner of Chicago has made a similar report from that city.

Certainly a problem such as this, having reached such vast proportions with the attendant ravages so vitally affecting every department of human life, should arouse the solicitude of our Government and of the governments of other lands and all thoughtful citizens who are devoted to the uplifting of mankind.

INSTRUCTION FOR TEACHERS AND PARENTS REGARDING EDUCATION OF CHILDREN WITH REFERENCE TO NARCOTIC DRUGS

(Prepared in Teachers College, Columbia University, New York City)

HABITS

Two psychological principles have been observed in preparation of the following statements, and it is recommended to teachers and parents that these be generally observed in education with reference to narcotic drugs:

(1) The tendency in education with reference to any grave danger is to appeal to fear. The appeal to fear may be temporarily effective, but fear is not constructive unless it is supplemented by the determination to control the danger. A spirit of courageous control is to be preferred to a spirit of fear.

(2) Curiosity should not be whetted to stimulate dangerous experimentation with drugs. Whenever the situation calls for it, curiosity should be satisfied by complete knowledge, for full and complete knowledge will surely forestall incautious experiment.

Education with reference to narcotic drugs should conform to the best accepted practices of the general educational program in the schools. Accordingly the aim of the teacher will be to lead the child to form certain desirable habits and attitudes and to acquire the knowl-

edge which will enable him to act ethically and intelligently. The child must know what right is; he must wish to do right; he must be able to do right.

The desirable habits which parents and teachers should help children to form with reference to narcotic drugs are as follows:

ELEMENTARY SCHOOLS

(1) The child should never take anything to eat, drink, or sniff from strangers, new acquaintances unknown to parents, or acquaintances whom the child knows only slightly.

(2) He should choose for his friends only the children of whom his mother or some one in authority approves and who measures up to the ideals of true, healthy, and straightforward character.

(3) He should learn to meet bravely every situation involving unavoidable pain. (This will tend to prevent use of pain-deadening drugs for headache, etc.)

(4) He should find his keenest enjoyment in outdoor sports, such as skating, swimming, riding, etc., rather than from indoor amusements.

(5) He should avoid all habit-forming drinks, such as tea and coffee; soft drinks containing caffein, such as coca cola; and alcoholic drinks.

(6) He should avoid the use of tobacco in any form.

HIGH SCHOOLS

In addition to all the preceding habits the high-school pupils should have the following ones:

(1) He should habitually rely upon a healthful régime of living in order to keep well, instead of upon use of patent medicines or drugs.

(2) He should avoid all use of drugs except upon the prescription of a reliable physician. Headache powders or tablets in particular may be dangerous. He should learn not to give "soothing sirups" or other drugs to babies or children.

(3) He should avoid all hypodermic injections except when given by reliable physician or nurse.

(4) He does what he can to fight the drug evil whenever an opportunity occurs.

(5) He should feel responsible for the safety of younger children and should help them to obey the preceding rules and protect them from candy, powder, tablets, or any drink that may be offered by a stranger.

IDEALS, STANDARDS, AND ATTITUDES

The success of education with regard to narcotic drugs depends to a large extent upon the formation of certain character traits and upon the effectiveness of certain ideals or attitudes in influencing behavior. The beginning of these character traits should be made in babyhood. Some of the most important are as follows:

(1) Suspicion of any kind of secret or underhand amusement.

(2) Belief that to refuse to do a thing that everyone else in the group is doing because it is an underhand or harmful thing to do is brave, not cowardly.

(3) A feeling of horror and fear of drug addiction.

(4) A tendency to feel afraid of strangers who offer things to eat, drink, or sniff.

(5) A belief that the effect of an act on future happiness and usefulness is more important than a temporary immediate enjoyment.

(6) A tendency to weigh the consequences of any unfamiliar act before engaging in it.

(7) An unwillingness to "try anything once," such as eating, drinking, or sniffing unknown substances or using the hypodermic needle. "Once" may be too often.

(8) Confidence in the parents and a habit of freely discussing with them all of the day's happenings. As the result of such an attitude the child or youth would be likely to tell his parents of his first experiences with drug vendors or suspicious characters. This might lead to the early discovery of "snow parties." After the drug has been used and the drug habit formed the addict becomes very secretive, and it is difficult to discover the existence of the menace.

(9) Feeling of responsibility for supporting legislation regarding control of narcotic drugs and keeping informed regarding expert opinion of what the most effective type of legislation is.

(10) The ideal of self-control, of being able to control one's own actions for the best good of family, friends, and community, as well as personal well-being. If this ideal has become consciously worth while to the boy and girl, they will seek to avoid anything such as the drug habit, which makes self-control impossible.

(11) The ideals of good citizenship, good workmanship, and good sportsmanship. These ideals require that the boy and girl do everything possible to keep themselves physically, mentally, and morally fit; that they observe all habits which keep them in good condition and avoid all habits and indulgences which impair their ability and usefulness.

(12) The ideal of reliability. The boy or girl who can be depended upon is respected and admired. The use of narcotic drugs undermines all qualities of trustworthiness. Boys and girls who pride themselves on being dependable, trustworthy, and reliable will not knowingly use narcotic drugs.

IDEALS AND KNOWLEDGE

The important habits and ideals related to the prevention of the illegitimate use of narcotic drugs have been briefly outlined. It will have become evident that although they are the backbone of prevention, they must be supplemented by knowledge.

A considerable body of knowledge has been presented in preceding pages. Some suggestions follow regarding the use of this information with school children and the different approaches that are possible.

ELEMENTARY GRADES

In the elementary grades it is not necessary that the child should have much detailed knowledge regarding narcotic drugs. The major emphasis should be placed on the habits and attitudes listed in preceding paragraphs. The information which is given will be more effective if given in its natural relationship to the problems with which the elementary child deals than if given as isolated lessons about narcotic drugs. Effective use may be made of the following situations:

1. In safety education the child considers the problems of avoiding dangers of various kinds; he learns to recognize and avoid common poisonous plants; to avoid dangerous animals; to refrain from putting any unknown pills, berries, food, or drink into the mouth. The avoidance of the dangers of narcotic drugs has an obvious place here.

2. In nature study the child learns that certain plants have poisonous leaves, berries, or flowers, or that poisonous products may be made from them. He may also discover that some plants have medicinal value. The medicinal value and also the harmful poisonous results of the use of the poppy derivatives may be mentioned. In nature study the pupil also acquires an understanding of the necessary conditions for growth—proper food, light, air, moisture, temperature, etc. He may learn in this connection that certain poisons hinder growth and that narcotic drugs are such poisons.

3. In study of food the child learns what are good foods and drinks for human beings, and that only those substances and no others should ever be taken into the mouth, except when given by parents, nurse, or physician.

4. Temperance education with reference to alcoholic drinks may usually be extended to include reference to narcotic drugs. The same moral reasons for abstinence apply in both cases.

HIGH SCHOOLS

In high schools, more extensive knowledge should be given. This is the period of danger.

1. The social sciences—history, civics, geography, and economics—form a natural setting for studying the problems of drug addiction as they affect our civilization:

(a) Its effect on our criminal problem; (b) its effect upon the home; (c) its effect upon the individual's ability to earn a living; (d) its growing menace, as indicated by the history of the production and use of narcotic drugs; (e) its world significance, the necessity for international control, and attempts at international regulation at various conferences.

China's attempt to rid herself of the opium menace and the selfish greed of the other world powers should be studied as a significant historical event. Emphasis should be placed upon the fundamental idea that narcotic drugs should be kept out of human reach by world control of the production in all countries, of raw opium and cocoa leaves so that there is no surplus beyond the supply needed for medical and scientific purposes. This should show the future citizen his responsibility in relation to the support of any legislative measures regarding drugs.

2. Biography and literature may be used to show the devastating effect of drug addiction in the lives of famous characters in history and literatures; e. g., Poe and DeQuincy.

3. In chemistry the student may learn the consumption of narcotic drugs, reach a scientific understanding of why they are poisons and what their chemical action is. This will necessarily be simply presented in high schools, but the student will gain the scientific point of view.

4. In biology or physiology the student may learn the effects of poisons upon the growth and life of living tissues and upon the organism as a whole. He may learn here that the use of narcotic drugs destroys the powers of reproduction, and this will give him the scientific basis for understanding the disastrous effects of drug addiction upon the preservation of the race.

5. In psychology the student discovers the laws of habit formation, the effect of drugs upon the nervous system, and the terrific difficulties in breaking the drug habit.

EXAMPLES FOR LESSONS IN SCHOOLS

Two detailed suggestions for lessons on the drug problems:

These lessons are not to be taught word for word in all situations. They are included to give a concrete idea of certain principles of method especially.

(1) The use of a real problem as the basis of the lesson. The first lesson would be taught if there were definite rumors or evidence of drug traffic among children in the neighborhood. The second, if newspapers and magazines were printing articles concerning the prevalence and danger of drugs in the community.

(2) The presentation of story or facts in such a way as to have the convictions and conclusions come from the children—not from the teacher.

(3) Lessons dealing with the drug problem should be taught with all the earnestness and force of personality that is possible by a teacher who feels the importance of this subject.

It would be better not to teach such lessons at all than to teach them in a superficial, perfunctory way, which might simply arouse curiosity rather than fear of the drug evil and the will to control it.

TEACHER. Several of the students this week brought in clippings from newspapers about drug addiction. (Reads parts from clippings.) These clippings say that the drug menace is a very serious problem. What are some points you would consider in deciding how important the problem is?

PUPIL. What kinds of drugs are most dangerous?

PUPIL. Are drugs being easily made and sold?

PUPIL. Do many people take drugs?

PUPIL. Does taking a drug one or two times do any harm?

PUPIL. Can a person who has been a drug addict ever be cured?

PUPIL. What effect do the drugs have on health and character?

PUPIL. What effect does the person who takes drugs have on other people?

TEACHER. (Writes the questions suggested on the board.) These are all important points. Let us try to answer the first question, What drugs are mentioned in the clippings read?

PUPILS. Opium, morphine, cocaine, heroin.

TEACHER. When we think of the effects of opium smoking—some of the Chinese victims look scarcely human—it would seem that opium must be the most dangerous. But heroin is nearly ten times more powerful than opium. Would there be any other factor beside the concentration, making one of these more dangerous than another?

PUPIL. If one were easier to take than another.

TEACHER. Yes. Heroin is made in the form of a white powder that can be easily "sniffed." Others require a hypodermic needle. Can you see how that makes heroin especially dangerous?

PUPIL. Yes. Most people would be suspicious of the use of a needle, but the white powder would look quite harmless to anyone who didn't know what it was.

TEACHER. Exactly so. Is there any other factor which makes these drugs so dangerous?

PUPIL. They can be easily smuggled in.

TEACHER. Yes; it is estimated that $20,000 worth of opium can be packed in one suitcase and that 2,000 addicts can be produced with one ounce of heroin. As John said, that makes it easy for people to smuggle it into the country and sell it to their victims. The next question, "Do many people take drugs?" is more difficult to answer—why?

PUPIL. People keep it a secret—they feel it is a disgrace.

TEACHER. Yes. The actual number of drug addicts has been estimated to be from 250,000 to 2,000,000. Prison authorities at Leavenworth in 1921 reported 15.5 per cent of drug addicts and in 1922, 24 per cent. The chief physician of Sing Sing says that there was an increase in addicts of 900 per cent from 1919 to 1922. What do these figures show?

PUPIL. That it is becoming a more serious problem all the time.

TEACHER. Your next question asks, "Does taking a drug one or two times do any harm?" Does being bitten by a poisonous snake once or twice do any harm? Does playing with fire once or twice ever do any harm? Taking a drug once may result in the drug habit. The more powerful the drug, the more certain its quick habit-forming effect. Heroin taken six times will make an addict—a slave to the drug. (Tells the story of Wallace Reid and his unsuccessful fight with the drug habit.)

(The teacher similarly takes up a discussion of the other questions proposed, in every case drawing conclusions and suggestions from the children, and supplying information herself as needed.)

Teacher finally asks: What are your conclusions concerning this problem of drug addiction?

Pupils make summary.

TEACHER. What can we as a class do to prevent the spread of the drug evil?

Pupils give suggestions:

If we ever get into a situation where boys or girls are about to take any of these drugs we can tell them what the consequences would be, and prevent them from taking the drug. We can help make outdoor sports more popular than indoor sports.

We can report to the police any suspicious-looking people.

We can take medicine only when the doctor gives it to us.

TEACHER. These are good suggestions. We will be prepared to be master of any situation of danger if we meet it, and all other times forget about it, get thrills from outdoor sports as John said, and "fill every unforgiving minute" by doing something profitable and interesting to ourselves and worth while to others.

CALL OF THE ROLL

Mr. HEFLIN obtained the floor.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Moses	Steck
Blease	Glass	Norbeck	Steiwer
Borah	Gould	Norris	Stephens
Bratton	Greene	Nye	Swanson
Brookhart	Hale	Oddie	Thomas
Broussard	Harris	Overman	Trammell
Bruce	Harrison	Phipps	Tydings
Capper	Hawes	Pine	Tyson
Caraway	Hayden	Pittman	Wagner
Copeland	Heflin	Reed, Mo.	Walsh, Mass.
Couzens	Howell	Reed, Pa.	Walsh, Mont.
Curtis	Jones	Robinson, Ark.	Warren
Cutting	Kendrick	Robinson, Ind.	Waterman
Dale	Keyes	Sackett	Watson
Deneen	King	Schall	Willis
Dill	La Follette	Sheppard	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION—ALLEGED MEXICAN PROPAGANDA

Mr. HEFLIN. Mr. President, not long ago the Senate was astounded by the disclosures of the Hearst publications of a disgraceful and scandalous charge against four United States Senators. My name was in that list. As soon as I learned that my name was involved I said, "An enemy hath done this." Practically everyone who has spoken to me about the matter has expressed opinions that agree entirely with mine.

I am unable to say at this time just who all had a hand in the cowardly, sneaking, and infamous plan to associate my name with the despicable Hearst-Mexican scandal. Considering all the facts and circumstances in the case there is no escape from the conclusion that it is the direct result of a conspiracy on the part of certain Roman Catholics to frame, injure, and if possible to destroy me for the work I did in the Senate to defeat the efforts of the Knights of Columbus and the Roman Catholic hierarchy to involve the United States in war with Mexico on behalf of the Catholic Church.

The man from whom Hearst got the forged papers is a Roman Catholic. He testified that he obtained them from Roman Catholic clerks in the Mexican Government and that he told them he wanted the papers for Bishop Diaz, a Roman Catholic bishop of Mexico. Hearst's wife is a Roman Catholic.

Mr. President, when I was doing everything in my power in the Senate to prevent the Roman Catholics from using the United States Army to fight the battles of the Roman Catholic Church in Mexico, I was attacked most viciously by the entire Roman Catholic press of the country and Catholic priests denounced me in their pulpits for daring to stand in the way of the war program of the Pope of Rome. They were willing to kill American boys to restore the Catholic Church to power in Mexico. I was the only Senator who laid bare the Roman Catholic program to get us in war. I received threatening letters from Roman Catholics telling me that if I did not cease my opposition that they would murder me. A Catholic priest in New York, named Belford, published a statement suggesting that the Catholics should hire thugs to waylay and mob me.

During that debate last winter the People's Forum, Ohio State Journal, complimented me for exposing the Roman Catholic conspiracy to get our country into war with Mexico, and added that "anything may happen to Senator HEFLIN, from ostracism to murder." But I never dreamed that they would resort to such a low-down, sneaking, and disgraceful thing as this attempt to destroy my good name and assassinate my character.

Scores of American citizens have written me that they believed the money paid to manufacture the Hearst Catholic Mexican scandal was furnished by the Knights of Columbus. It will be remembered that the Knights of Columbus raised at Philadelphia a million dollars to be used in carrying on propaganda for war with Mexico. I pointed out in my speeches in the Senate that the Knights of Columbus had passed a resolution denouncing our policy of peace toward Mexico and "demanding" that it "be changed forthwith." And I called attention to the fact that a Roman Catholic Congressman, Mr. BOYLAN, of New York City, introduced a resolution in the House demanding that we immediately sever diplomatic relations with Mexico. That resolution meant war and I said

so. That resolution was supported in the Committee on Foreign Affairs of the House by nobody but Roman Catholics. The grievance stated, and the cause for war made known, was purely and wholly a Roman Catholic question, and the reasons for urging the passage of the Boylan resolution were "the persecution of Catholics and the efforts to destroy the Roman Catholic Church in Mexico."

I said then that it was not an American question, but a Roman Catholic question, and that the affairs of the Roman Catholic Church in Mexico are none of our business, and I said: "No American boy is going to be carried off to Mexico and killed in such a conflict if I can prevent it."

In discharging my duty to my country I have incurred the displeasure and brought down upon my head the wrath of certain intolerant and bigoted Roman Catholics. The misrepresentations and scurrilous insinuations made against me by leading Roman Catholic newspapers since the Hearst Catholic Mexican scandal was investigated by the Senate committee have confirmed me in the conviction that those who inspired and initiated the diabolical scheme to involve my name in this scandal were Roman Catholics who were mad with me and who were willing to employ any dishonorable means possible to do me injury. So in seeking some one who would lend himself to the miserably corrupt and contemptible business of giving it publicity, they sought and obtained the service of William Randolph Hearst. He was willing, without a scintilla of truth to support him, to drag the names of four United States Senators into a horrible and loathsome scandal when he knew that they were innocent. After causing my name and the names of three other Senators to be associated with a dishonorable act—an act that nobody but a thief and scoundrel would be guilty of—he told the committee, under oath, that he did not believe that any one of the Senators had ever been approached on the subject—that he was convinced that they were all innocent and had had nothing whatever to do with the matter in question. And yet he was willing to purchase, and did purchase for publication, "manufactured falsehoods" and "forged papers" from a Roman Catholic Mexican thief. He was willing to bring four United States Senators into disrepute and blacken their characters on statements that he himself admits were false. He is willing to deal with Roman Catholic Mexican thieves in order to traduce and slander Senators of his own country. Willing to wallow in the cesspool of corruption and shame, and then hang his head like a thief come to judgment, and by his conduct and statements confess himself to be a notorious slanderer, corruptionist, and scoundrel.

Mr. President, the Catholic Union and Times, of Buffalo, N. Y., subscriber to the National Catholic Welfare Conference News Service at Washington, has this to say, under the caption "Senator HEFLIN":

> While it has been apparent in Washington circles for some time that Senator HEFLIN was a paid lecturer of these anti-Catholic organizations, his admission during the hearing of the Senate committee on the Hearst Mexican revelations came as a great surprise. He also forecast a new series of speeches to be delivered on the floor of the Senate in the near future. One can readily understand what these outbursts will disclose. Mr. HEFLIN will warn of the danger of Catholicism. He will tell of the plans of the Knights of Columbus to rule the Nation and of the menacing shadow of Pope Pius XI. Senator HEFLIN'S own State has denounced him. His days in the Senate are numbered. The State of Alabama can be counted on to deal him a crushing blow when he again seeks reelection.

Mr. President, that article, on the face of it, discloses malice and hatred in the hearts of the priests and the clerical officials back of it in the Catholic Church. It discloses knowledge of this conspiracy about which I am speaking to-day. I am satisfied that the editors and managers of this newspaper, most of whom are Catholic priests and high officials in the Catholic organization, knew that I was to be "framed," and that they had a hand in it.

Let me read a few excerpts from letters received on this subject. They clearly show what the people generally think about the efforts made to injure me.

Here is a letter from California dated December 15 and addressed to me. It reads, in part, as follows:

> If it had not been for the four Senators named by Hearst, this country would be at war with Mexico to-day; and not only that, but many a big steal would have been pulled off. If they could but put Senators BORAH, LA FOLLETTE, HEFLIN, and NORRIS out of the way, they would have everything their own way; but, thank God, they are on the job and any amount of dirty work they do will not disturb my confidence in these men.
>
> JAMES F. COOPER.

Here is another one from Findlay, Ohio, addressed to me and dated December 19:

> We are led to believe that the Roman Catholic clericals are the ones that engineered the so-called Hearst exposures in the Mexican situation. We hope that no let up will happen and the guilt be placed where it belongs, and we are willing to gamble that "Rome" had a hand in it.
>
> C. R. GALLOWAY.

Here is one from Camden, S. C., addressed to me:

> I am a stranger to you, but judging from your record you are a man "after my own heart." I admire a man who is not afraid "to speak out in meetin'." Seems like your friends, the Roman Catholics, hit you a foul blow. No one believes the charge.
>
> H. C. HADDY, Jr.

Here is one from Norfolk, Va., which is addressed to me:

> It has not been very long ago since the files of the Secretary of State of the United States were tampered with to such an extent that original documents were altered or copied. This alone is enough proof that the forces that are behind the affair are powerful.
>
> T. W. DAUGHERTY.

Here is one from Syracuse, N. Y., the home State of Alfred E. Smith, the gentleman that the Senator from New York [Mr. COPELAND] so eloquently pictures as the next nominee of the Democratic Party. I will have more to say about that a little later on. [Laughter.] This letter is addressed to me:

> The enemy has at last touched a vital spot. We will now proceed to find him and destroy him. Never fear, THOMAS, we know you and believe in you and trust you fully. You will be vindicated and the enemy of America will be uncovered and Hearst will find that no Knights of Columbus money will buy war with Mexico. You did your duty and Americans trust you. We are back of you.
>
> Rev. B. MONROE POSTER.

Here is a letter from Richmond, Va., addressed to me:

> Hearst's attack on you, BORAH, NORRIS, and LA FOLLETTE is alleged to be a "Jesuit" trick. * * * All Irish-Catholic papers are "egging" their readers on to create trouble and the Irish-Catholic prelates in the Catholic hierarchy are the worst offenders.
>
> S. SAXE.

Here is a telegram from Kansas City, Mo., addressed to me:

> We had the pleasure of hearing you speak in Kansas City and the honor to shake your hand, and we just want to say that we resent with all vigor possible the imputations the Hearst papers are casting against you and the other Senators, and wish you would convey to them also our complete belief in their integrity and high principles, as well as yourself. We are of the belief that it is a fraud and is the direct result of directions of the Pope or his emissaries.
>
> W. A. HAWK AND WIFE.

Another from Los Angeles, Calif., addressed to me:

> It is a disgraceful state of affairs when a publisher can assail public officials without proof or reason except probably being paid a portion of the $1,000,000 raised by the Knight of Columbus.
>
> L. LUDLOW HALGHT.

Another one from Oakland, Leon County, Tex., addressed to me:

> Just a few lines to let you know that the true-blooded Americans are with you in your stand regarding Mexico and the Nicaraguan question. Also we are with you on the Hearst charges against you. It seems that the Hearst charges are simply a part of the program inaugurated by the Knights of Columbus in 1926 in Philadelphia to try to involve this country in war with Mexico.
>
> WILLIAM HUBB GILL, Sr.

Another one from Los Angeles addressed to me:

> This man Hearst is nothing but a paid hireling of the Church of Rome. He is aided and abetted by that interest in this country. His attacks upon you and the other three Senators are inspired by the "fine Italian hand" of the interest I mention above. This is in retaliation for your stand on Mexican affairs last session of Congress. * * *
>
> B. W. BROWN.

Here is another one from Wilmerding, Pa., addressed to me:

> The only organization to have a motive for this plot would be the Roman Catholic political machine or church.
>
> If it can be proved that the Roman church was behind this, of which I think there is little doubt, Al Smith's ambition for nomination would get a death blow, as would also the hierarchy's, for the control of this country.

* * * * * * *

If these United States had a few more Senators like you—

Well, that has such a fulsome compliment to me that I will not read it. You can get the idea from what I did read, though, of what was in the mind of this patriot.

Here is one from Brooklyn, N. Y.:

As one who admires the brave fight you are making against the Roman Catholic hierarchy in the United States, permit me to make a suggestion. I have heard it stated that Hearst's documents about Mexico were worked up by the Catholics, and that he received a substantial sum of money from the Knights of Columbus here to print them.

Mr. President, I have any number of these letters; but I have read enough of them to let the Senate know exactly what is in the minds of the people of this Nation who are not yet afraid to speak above a whisper against the Roman Catholic political machine.

The Catholic Union and Times, Buffalo, December 22, 1927, has these headlines reporting the hearings in the committee here in Washington:

Senator HEFLIN'S "patriotism" shown in terms of dollars. Admits being paid by K. K. K. for lecturing. Alabama solon makes admission at Senate probe of Hearst Mexican revelations.

Now, get this:

Propagandist for Calles. Other anti-Catholic organizations also paid United States Senator for speaking in country.

* * * * * * *

Now that Senator HEFLIN, of Alabama, has sworn before a Senate committee not only that he took money from klansmen, Protestant ministers, Masons, and others for lectures on the Mexican situation last summer, but also that his lectures were of the same character as his anti-Catholic speeches in the Senate—

And so forth.

In the legislature of his own State of Alabama, a derisive resolution was offered proposing that HEFLIN be made an admiral and be posted at sea to fire his "most deadly verbosity" upon the impending "attack of the Pope of Rome. * * *."

In July, however, a somewhat different face was put on the Alabaman's vocal efforts when it was learned that he had caused his speeches in the Senate to be collected into a pamphlet of 138 pages and was offering it for sale at stated prices. "Customers" might buy the booklet in quantities at reduced price, he assured them.

Mr. President, they knew that that statement was absolutely false. Mr. President, most Senators here recall the fight that I made in January and February, a fight opened by the Senator from Idaho [Mr. BORAH]—the able, fearless, incorruptible Senator from the State of Idaho—who had in mind nothing but the good of his country in protecting the lives of our boys and remaining at peace with a neighboring republic. He made a speech in this body, and he warned us of how dangerously near we were to war with Mexico.

The next day after his great speech I spoke about other activities in the same direction, efforts being made by the Knights of Columbus to involve us in war. I called to the attention of the Senate a resolution passed by them at Philadelphia in which they denounced this Government's policy of peace toward Mexico and demanded that it cease immediately. They did not request that it be considered and modified if possible, but they were so bold and brazen and arrogant that they "demanded" that it cease "immediately."

I called attention to that. The New York World had an editorial about that time, saying that if the people of the United States did not want war with Mexico they had better write to their Members of the House and Senate, because we were dangerously near to war with Mexico. I submit to you, Senators, and to the country, was it not time that I was speaking, and other Senators, against a war then threatening our country? Was it not time that I was making a protest if I cared anything about the peace and happiness of my own country, the lives of the boys of the United States? Was it not my duty to take a stand against such a war when there was no excuse under heaven for such a war?

I said to the Senate then, and to the country, that it was a Roman Catholic question, that it was not an American question, and that we had no business to marshal our soldiers and go off and fight the battles of the Roman Catholic Church. That was the stand that I took; and by taking that stand I drove from cover the most insidious and dangerous and deadly political machine that ever had its existence in any country on the earth—the Roman Catholic political machine. Without rhyme or reason the press of that machine attacked me from one end of the country to the other, all of them denouncing me, not a single American note sounded amongst them all—Catholic, Roman Catholic, allegiance to the Government of Rome above this Government manifested in every line that they wrote against me; and I have been picked out by them to make an object lesson of for you other Senators. I dare them; I defy them all. I have taken my stand for my country against the invisible government of the Pope of Rome, and I am going to uncover it in the United States in spite of what the Jesuits may do with dagger or poison. I have consecrated myself to the service, and I bare my breast to all these enemies of my country.

Did anybody ever hear of a more villainous attack than this made on me since this committee investigated the scandalous charges that these Roman Catholics inspired against me, misrepresenting me still? One of them showed what he had in mind when they put my name in it. He said, "Senator HEFLIN will be defeated. His days are numbered." That is what they hope. Well, they have already picked out two gentlemen—I am not going to call their names now, but I will call them enough before I finish operating on them in my State—they have already picked out two who are ready to swallow their Protestant convictions and crawl on their bellies like serpents before the Pope, and kiss the cardinal's ring or do anything else, in order to get a seat in the Senate; but there is not one of them ever born of woman who can beat me in my State. I defy these evil, un-American forces of Rome. I do not fear them.

I have not got time to consider what may happen to me. I am ready to accept whatever comes to me. I will not swallow my convictions for office. I never counted the cost in my life when I took a stand on a political question or on any other question. I am ready to spend and be spent in the cause of my country, and I am deeply indignant at the efforts made by Roman Catholics to besmirch my name. I have always done what I thought was right as God gave me the light to see what is right. When I take a stand I feel that I am doing my duty; and when I feel that I am doing my duty I am willing to take what comes, whether it is victory or defeat.

Now, listen:

A priest group up in Buffalo said that I had been denounced in my State. A bigger falsehood was never uttered. I spoke 35 times in my State in September and October. I never had so many calls in my life. The halls in two-thirds of the places would not hold the audiences, and in every place where I spoke the audience rose en masse. There were not over 5 out of an audience of 7,000 that did not stand up and indorse my fight on this particular question.

Talk about my being denounced! I have not been denounced. The patriotic people of my State are too high-minded, courageous, and well grounded in the principles of Martin Luther and the Democratic Party to bow their knee to this veiled, insidious monster of the political machine of the Roman Catholic Church who has his habitat in Tammany Hall.

One smart Aleck in my State, who has already been defeated for the Senate—and defeated badly—by my distinguished colleague who sits at my right, had a hand in getting up a resolution to designate me as the "admiral" to guard against the Pope. The new and inexperienced member of the legislature hardly knew what he was introducing. He asked them, when they handed it to him, "Is there any comeback in this to me?" They said, "No"; and he sent it up and they read it; and that is all that was done with it. It was referred to a committee and died in the committee.

While thinking over that ridiculous performance of ambitious but dead politicians, I wrote a few lines about the gentleman who introduced the resolution, and since this Union and Times paper refers to that incident I am going to read it to you. I did not even know this fellow who had introduced this resolution.

Old Uncle Johnnie used to say,
  You'll find, as a rule,
In every legislature
  At least one fool.

Who is this man Edmondson?
  I never heard of him;
Is he low and stocky,
  Or is he tall and slim?

Slick and smooth he must have been,
  When asking Jefferson County for a legislative ride,
He was able to use a false Protestant skin
  To cover his Catholic hide.

But now he throws his disguise off,
  It appears to be so at least,
And in the legislature
  Does the bidding of the priest.

A handy man for crooks to use,
In problems up for solution;
They write their stuff and hand to him,
As they did this resolution.

And then he introduces it,
And, lo, it bears his name,
Then Roman priests smile on him,
And he thinks he's won fame.

And fame it is for Edmondson,
The Vatican choir will sing,
As he crawls on his all fours,
To kiss the cardinal's ring.

Perhaps he's never traveled
Very far from home,
But the Al Smith bunch will give him now
A nice long trip to Rome.

His youthful dreams realized,
Fulfilled his life-long hope,
When he beholds with joyous eyes,
His secret lord, the Pope.

They'll kill the fatted calf for him,
And spread a Roman feast,
And everywhere Edmondson turns,
He'll see a Roman priest.

They'll pour soft music in his ears,
And sing to him, hi, ho,
Then take him to where the Pope is,
And let him kiss his toe.

They'll lead him about the Vatican then,
Where grows the tall green grass,
Then take him to the Pope again,
And let him kiss the lass
Who will guide him through purgatory,
Under the Pope's field glass.

Then bring him back to Birmingham,
The remainder of his life to dwell,
Then put him in a casket,
That he himself doth sell,
Then turn him over to the priest,
And let him go to hell.

Mr. President, this Roman Catholic machine and Knights of Columbus régime sought to keep my speeches from getting into the press. They succeeded with a large portion of the press.

They then sought to keep me from mailing my speeches to the people in the country who wanted them and were willing to pay the Government for printing them. Let me tell the Senate what occurred. I received fully 5,000 letters requesting copies of my speeches. I said, "I am not able to have these speeches printed and sent to people all over the country." I got up a compilation of different speeches into one, 138 pages, to circulate in my own State, where I knew this Roman Catholic machine would attack me and misrepresent me, where I had already seen they were spending money to buy up newspapers, to poison public sentiment, and to misrepresent me and my work in the Senate. So I fixed this speech up in one big pamphlet and inquired what copies would cost. I paid $336 for the first thousand and $44 a thousand for the remainder.

Then I conceived this idea: I would let the people have the speeches printed themselves and pay for them, and I would order them for them. So hundreds and hundreds of requests came, and I ordered the speeches. They would buy 500 from the Government, not from me. I never made a cent out of them, of course. The Government would send them to my office and my office would do the work of sending them out to the people, to be distributed in the localities.

I submit to Senators that that was fair and proper. Every two years both national committees get speeches of some Senator or Member of the House and send them out in bulk to various localities, to be distributed locally. What do you suppose happened about this? This Union and Times said that I wrote to customers that I would sell the speeches cheap, in bulk. No such thing happened. They knew that they told a falsehood when they stated that. I have been out money on them myself, because every time they put the type up it costs me about $18, and I am doing that and the people are still getting them.

What do you suppose they are doing in various localities? Roman Catholic postmasters are telling the people the speeches are not frankable. They are making them put stamps on them, doing all they can to keep them from reaching the people. What do you suppose happened here in the Post Office Department? This Roman Catholic machine went down to the Post Office Department and attacked me, and tried to prevent these speeches being mailed out. Did you have any idea they were doing such things in this country? They do not want anything against their work known to the people. They suppress it wherever they can.

They went down to the Washington Post, one of their agents, had published article after article attacking me, said that I was abusing my franking privilege, and then had to admit at last that it was found that "Senator HEFLIN was within his rights"; but they never published my statement showing that I was within my rights and any of the facts about it. Is that fair? I am telling you these things so you will know the story of this fight I made against war with Mexico, and the penalty they tried to make me pay for making that fight.

They sent lecturers throughout the United States, who lectured on Mexico, giving their side of it, telling about mistreatment of priests and nuns, and the people commenced to wire me when Congress adjourned, "Won't you come and deliver us an address on the Mexican question? The Knights of Columbus had a lecturer here. He presented the other side. We can not get the truth from the press. Won't you come?" I started out speaking on the Mexican question in that way. The first speech I made was for the pastor of Christ Church in Clinton, Iowa. They said they would pay me $250 to come up there and make a speech. When I got up there and addressed 2,000 people, I saw that this preacher was looking after the financial end of it, and I took off a hundred dollars. I spoke many times in Iowa, and I found in Dubuque that the Catholics had taken charge of the public schools, had turned every Protestant teacher out and put Catholic teachers in charge. The board of trustees elected were Catholics, and every one of them sent his children to parochial schools. That is why they want to suppress me, because I am telling you what they are doing wherever they have the power. That is what they will do to you and me if they ever get that power in the United States.

Mr. President, they talk to me about nominating Al Smith! It will never be the deliberate judgment of the patriotic people of the Democratic Party. They are not going to do it.

Roman Catholic lecturers have been going about the country advocating interference in Mexico. Who paid them? The Knights of Columbus paid them out of that million dollars they raised at Philadelphia, and they are assailing me for letting the people in the various localities of the country pay my expenses and an honorarium to come and give them the truth on the subject. Several Senators go out and deliver addresses that way during their vacations, and it is all right. It helps to educate the people on these questions. In my case it was getting important truths to them, which they could not get in any other way. The newspapers would not give it to them.

Let me tell you what I found when I got there. At nearly every place I spoke I found that Catholic priests and Knights of Columbus had tried to keep the Protestant people—Masons, Junior Order of American Mechanics, Klansmen, Odd Fellows, Red Men, and other Protestant orders—from having a hall for me to speak in. What do you think of that, Senators? Frequently, I found that a Knight of Columbus had lectured in the hall that I was to speak in—just two or three nights before. Priests were busy; Knights of Columbus, under their command, protested against an American Senator telling about their efforts to kill our boys in a war for the Roman Catholic Church in Mexico.

That is why they want to get my scalp, because I tell the people truths about them that some public men, strange to say, fear to speak about, even in a whisper. They are trained in the business of guarding the interests of the Roman Catholic machine. You let any public man say a word against their activities, and they go to him, and if he does not apologize and promise his soul to them, they will defeat him if they can. It is time the Protestants were waking up, and when they find a Protestant bowing the knee to this insidious Roman Catholic power, they should say to him, "If you are going to do that, we are going to beat you." Then, let him come out in the open and be an American, and do the fair and right thing by all, Protestants, Catholics, and Jews.

I am not fighting the Catholics as citizens; I am not fighting their mode of worship; if they want that particular mode, let them have it. But I am fighting the enemy of my country—the dangerous political machine of the Roman Catholic Church. That machine noses its way into business. They will boycott the business man who takes a stand against their activities when he feels that it is his duty as an American to do so. They will boycott a newspaper that tells the truth about their un-American conduct regarding matters vital to the welfare and preservation of constitutional government in America. The Roman Catholic political machine and what it represents are first and foremost in all that it does.

Mr. President, I spoke at Dubois, Pa., and one of the members of the committee, a fine Mason, said, "One of the papers would not publish the notice that you were going to speak. The editor had agreed to do it, and we paid him, and the Knights of Columbus and the priests went to him and said to him, 'If you publish that statement, we will boycott your paper.'" He said, "I haven't anything to do with getting up the statement. They brought the statement here giving notice of Senator HEFLIN'S speech. I am just going to publish it, without comment." They said, "If you do, we will boycott your paper." And he would not publish it.

Then the courageous Protestants of Dubois—God bless them—went down and said, "If you do not print it, if you deny us this publicity—we have already paid you—giving notice of our public speaking, if you are going to let the Roman Catholics run your paper and this community, we will boycott you." And they did. Scores and scores of subscribers quit that week. You have got to fight them with fire. I am satisfied that many Senators here did not know that such things were being done by this Roman Catholic régime in the United States. Did you have any idea they were doing these things? They are worried about Senator HEFLIN spreading his anti-Catholic speeches around! I was getting important truths to the country. Truths that should be in possession of every Gentile and Jew who loves this country and wants to see its free institutions preserved in their integrity.

I also spoke at Butler, Pa. The chairman of the committee said, "Senator, the members of the school board want to see you." They were in charge of the public school hall. I said, "I will be glad to see them." They came to see me. They said, "The Catholic priest objects to your speaking on Mexico. He is willing for you to speak if you will not mention the Catholic Church in connection with the Mexican situation." I said, "There is no war question involved except that injected by the agents of the Roman Catholic Church."

No Protestant or Jew is back of the movement, nobody but Roman Catholics. When they told me that the priest would not consent for me to speak unless I would agree to his terms it got under my American skin, and I said, "A Roman Catholic priest is to tell me what I can speak about? There are not enough of them in the United States to do that. I do not ask a Catholic priest what I may speak about or may not speak about. I am going to discuss this question just like I have discussed it everywhere I have spoken, and tell the truth about it, and if they do not agree that I am telling the truth, let them answer my speech." Then with one voice they said, "Certainly the Senator can speak in the school hall." I said, "If you people have reached the point where you have got to go and ask the Roman Catholic priest and Knights of Columbus whether you can have speaking in this community or not, you Protestants, God knows you have fallen to a mighty low level." They said, "No; we will not do it. You will have the hall."

What do you suppose that priest told them when they went back and said, "Yes; Senator HEFLIN will speak in the school hall." He said, "All right; you will have trouble at the speaking. I can not control the Knights of Columbus." You ought to have heard the opening remarks of my speech that night. I told them what had occurred at the beginning with the school board and said, "The priest said he could not control the Knights of Columbus and we would have trouble. Think of that! A mob of Roman Catholics willing to break up public speaking, to terrorize public assembly in your community, threatening violence to frighten people away." The house was packed. There were 2,000 or more. I said, "Fellow citizens, this is America, and if they start anything here tonight and the priest will not control them, we will control them," and that American audience would have controlled them too.

Do you know what happened to me that night? Friends suggested that I might need armed guards to escort me from the hotel to the public-school hall in a community in this great Protestant country, where thugs were threatening to do violence to an American Senator who had dared to come and tell the truth about their efforts to kill American boys in the cause of the Pope of Rome. Some of them were armed who escorted me to the hall and back to my hotel, here in the United States, in Pennsylvania, where the Roman Catholic spirit was rampant, and had threatened to do violence to me if I dared to speak about Mexico, because this priest said he could not control the Knights of Columbus.

What else do you suppose they did? I spoke at Bethlehem, Pa., in the finest school auditorium that I ever saw. It was built as a memorial to the brave boys who died in France. I said, "This is the finest school hall I have ever seen." One of the citizens present on the platform said, "By the way, Senator, did we tell you about the efforts of the Catholics to keep us from having this hall for you to speak in"? I said, "No. Why"? The priests and the Knights of Columbus opposed it. They demanded that we have a meeting of the board after a majority of the board had already agreed for you to have it. They insisted on having a meeting. Two members of the board are Roman Catholics and one of them a Protestant who married a Catholic. They fought it to the last ditch and had a vote of six Protestants granting the use of the hall, and three others, two Catholics and the Protestant who married a Catholic, voting to deny us the use of the hall. That was right up here in Pennsylvania in our own United States.

I am talking to some people who do not understand this question at all. They have not the slightest insight to what is going on right here in the United States. They do not understand and appreciate the mysterious and sneaking things that are going on behind the screen, but I am telling them about it. This un-American spirit has got to change or there is going to be trouble. Either that or Americans have got to fall down and obey this Roman Catholic machine's edict. You are either going to stand up against it and combat its evil influence and activities or you are going to let it keep moving along in various directions until some sad day it will be too late perhaps to save ourselves from its destructive power.

Last spring I was booked to speak at Ridgeway, Pa. They had rented the theater and paid $150 for it. I saw the receipt. The theater company advertised my speaking on its cards. "Friday night Senator HEFLIN lectures on the Mexican question." They had announced it to the public themselves.

What do you suppose happened? When I was on the train going there a gentleman from that town boarded the same train. He was disturbed and indignant. He had paid the $150 and had expected to get his money back from tickets sold. They had sold, I believe, 1,200 tickets, and the theater man came to them and told them that the Roman Catholic priests and the Knights of Columbus had objected to me speaking in the theater on the Mexican question, and had threatened to boycott the theater and that he had to withdraw the permit for its use for that purpose. The man who had rented it said, "You can not withdraw it. It is advertised. You have my money and I have your receipt." The theater man said "I will pay it back." He said, "I will not accept it. The tickets have been sold in accordance with our contract and the people will be here to hear Senator HEFLIN give the facts about the Mexican question."

That night the theater was closed and dark. The manager was away hiding out. The sheriff was there to keep people who held tickets from entering. A courageous American judge up there issued an order requiring them to open the theater and let those people use it to hear me speak, and the Roman Catholic official, whose duty it was to serve the order of the judge, hid out and could not be found. One thousand two hundred men and women peaceful, law-abiding Protestant citizens of America stood there in the dark in front of that theater. They were not permitted to enter. They had bought tickets. A number of citizens came back to the hotel and told me what had happened. They wanted me to speak in the open air but I told them I could not do that. They said they had nothing but a Masonic hall that had only about 250 chairs in it, but which would hold a thousand people or more. I said, "Are your people willing to stand"? "Oh, yes; anywhere if you will speak to them." I said, "All right," and I spoke to them, too. After I finished my speech a Protestant preacher, who had been asleep on this question prior to that time, jumped up and said, "I want to say a word. I had no idea that such a spirit lurked in the breast of these people here. Henceforth I am a soldier in the service." We had our meeting in spite of the reprehensible and un-American conduct of intolerant Roman Catholics.

Senators, would you have believed that such a thing as that could happen right here in the United States?

In every place I went, without a single exception, I heard of their efforts to prevent Protestant people from having a hall in which to hear me discuss the Mexican question and the efforts of Roman Catholics to involve us in war with Mexico. At Bloomington, Ill., the treasurer of the Civic League of Illinois who was with me told me about a Catholic boy who had left the audience where I was speaking to go home to get a gun to come back and shoot me, and some older heads among Catholics got hold of him and kept him from carrying out his threat. Senators, can you even imagine the presence in America of activities that will produce such a spirit in the youth of that group of people living here in the United States?

Mr. President, I am telling the Senate and the country what some of these people are doing quietly, secretly, and sometimes in the open out in the States that you do not know about, and when you discover them and catch them cold they jump sud-

denly and appear startled and look innocent and exclaim: "Intolerance and bigotry." That is their old stock in store. I agree with Voltaire and Garibaldi and General Grant and Lincoln that the Jesuit institutions are dangerous institutions in anybody's country. They are here in Washington City—yes, here in the United States. They are using their mental processes to manipulate the minds of those they want to control, and I fear they have had hold of my friend the Senator from New York [Mr. COPELAND], trying to make him think that Al Smith has some chance to be nominated. You know you call up somebody over the telephone in order to send a message to them. Well, these Jesuits use their mental messages on weak-minded people, but I do not refer to the Senator from New York when I make that suggestion. They try to direct your thoughts. I have a pamphlet here which shows that they are sending their messages now broadcast, trying to control the people's minds in favor of Al Smith and Roman Catholicism. They have got a big job on hand. The Jesuits and the Roman Catholic machine have certainly got a big job on their hands.

Mr. President, I have told of some of the experiences that I have had on my rounds to reach the people who wanted to hear the truth regarding the Mexican question. I am a poor man and not able to tour the States on a speaking tour at my own expense. So American patriots who wanted to hear me on this question arranged for the meetings. I had the checks they gave me cashed in the disbursing office of the Senate. I was glad to go, although tired out physically when the last session was over. I was glad to go and talk to these people and let them know what was going on and arouse them, if I could, to the dangers that threatened.

For all that I have been plotted against and drawn into a scandal, and the charge was made by these scoundrels that I was being paid, that I was accepting a bribe to fight to keep my country out of war. I was told by people wherever I went about the country, "You have attacked and opposed the Roman Catholic program. That bunch will never let up on you. They will pursue and punish you. Be on your guard always."

Mr. President, I had a letter from Baltimore last spring which said "they have sent the word out to Catholic newspapers all over the country to go after HEFLIN," and they have certainly carried out their instructions. All over the country they have had their papers attacking me and they have had mean and bitter magazine articles written about me, many of them since I opposed the Pope's program to use the United States Army to restore the Roman Catholic Church to power in Mexico. They have paid out a lot of money to carry on their attacks upon me. They know that I am an American and that they can not control me like they do control some half-hammered, weak-kneed Protestants in public station who are unworthy of the name of Protestant. It is time our people were getting their eyes open and apprising themselves of what is going on.

I saw a newspaper statement the other day where a very clever southern gentleman who is not a Catholic, but whose brother is a Catholic, which said, "Al Smith must be nominated now because the religious question has been raised." How ridiculous! The fact is Roman Catholics raised the religious question. They raised it at the Knights of Columbus convention at Philadelphia. The New York Times said in reporting that convention:

> The religious question as it affects the Catholic Church in Mexico was the main question before the convention.

That paper was their friend. I think the Catholics own it now. What did the Roman Catholic Bishop Daugherty say? He said, "Your action"—referring to the resolution of the Knights of Columbus—"seems to have aroused a dormant element in this country," referring to the Protestants in charge of the Government, "and shown them that they can not ignore and slight American Catholics." Who raised that question? It was done by the Roman Catholics.

Then, Mr. President, in the Democratic convention at New York what happened? The Roman Catholics brought in the question of denouncing the Ku-Klux Klan. I hold no brief for the klan, but I indorse a great many things it stands for. It has in it some of the noblest principles that were ever embodied in the doctrine of any secret order. Of course, they have done things, some of them, that I do not indorse, but I do indorse their efforts to build a strong American spirit here in the United States under the American flag. I indorse their effort to aid the foreigners who come here in becoming in deed and in truth real American citizens. I indorse their work in driving bolshevism and communism out of the communities where they are strong; and they have done it. Show me a place where the Ku-Klux Klan is strong in northern cities and I will show you where communists and bolshevists are being put out of business. Say what you please about them, but they are Americans to the core. Nobody but a Protestant can belong to that organization. To the Knights of Columbus order nobody but a Catholic can belong. I do not indorse anybody's attack upon the law-abiding Jew. That is one mistake that some klansmen in some States have made.

What did I see in the convention in New York? I saw Roman Catholic delegates in the corridors of the hotels noisily demanding that the Ku-Klux Klan be denounced by the Democratic convention. I talked to a number of them. I said, "Gentlemen, that question has got no business in this convention; you may not like the klan, but you have got no business trying to get a National Democratic Convention to denounce it. It is a Protestant order and Protestants generally think that you want it denounced because you are Catholics. What would you think if it sought to denounce the Knights of Columbus by the convention? Nobody but Catholics can join that order." "No," they replied, "we want the convention to denounce it." I said, "If you do, you will tear the Democratic Party to pieces," and a number of them replied, "To hell with the party if it will not denounce the klan." So I tell you Senators again that they put Roman Catholic government above everything, above the Democratic Party, and above their country. That is plain talk, but it is the plain truth.

What happened? They proceeded with their fight. In the committee room William Jennings Bryan—peace to his ashes, God rest his soul—struggled to keep that issue out of the convention. He and his friends defeated in the committee on platform and resolutions, and then they came out on the convention floor with it, and Roman Catholics who are prominent in their party demanded that the convention put their denunciation in the Democratic platform. Five thousand lawless hoodlums, Roman Catholics from Tammany, stood in the rear of the hall, and when one Roman Catholic official, a Senator, was speaking in favor of denouncing the klan they cheered him to the echo.

Then, when Mr. Bryan came out to try to prevent this threatened split in the party, to try to calm the element that sought to kill the hope of party success, what did they do? This bunch of Tammanyites hissed him and heckled him, and it was nearly 30 minutes before he could say a word. I with others, putting our hands up to our mouths in this fashion [illustrating], hollered to them to desist; that that was Mr. Bryan; to let him speak. An officious Roman Catholic official of some sort on the platform of the convention came up and put his hand on my shoulder and told me if I did not stop that noise he would have to put me out. Well, I wish Senators could have seen the situation. I told him, "If you do not get back where you belong, I will knock you off this platform." And he got back. That is the situation that we found there, when they were doing what? When as Roman Catholics—not as Americans, not as Democrats—they were demanding that a Democratic convention that had nothing on earth to do with the Ku-Klux fraternity, or any other fraternity, should damn it and denounce it in convention.

What happened? They called the roll and the proposition was defeated by four votes. Then they went to work from Saturday night until Monday morning to get some of the delegates to change their minds and reconsider the proposition and put it in the platform. I told some of the delegates from my State that if Alabama voted for that motion I would denounce the delegation over my signature in the State and go to the mat with them all. And the Alabama delegation did not go with them to reconsider the proposition.

Some Senators know about that. What next? John W. Davis—a very able, clever gentleman but the poorest politician that ever stood in front of a political army—permitted these gentlemen, not as Americans, not as Democrats, but as Roman Catholics, to insist that he denounce the Ku-Klux Klan and finish our chances of success at the polls after the convention had rejected that motion.

Then they sent word to Mr. Coolidge, so it is said, to join Mr. Davis in denouncing the klan. A bunch of priests called on him and told him Davis was going to denounce the klan, it is said, and that he had better denounce it, too, and they would eliminate that question as an issue.

Coolidge said he did not make a chatterbox out of his mouth about things that were not in the platform. [Laughter.] And he got elected, the Senator from South Carolina [Mr. BLEASE] suggests. But what did John W. Davis do?

Mr. BLEASE. He got what he ought to have gotten; he got beaten.

Mr. HEFLIN. John W. Davis denounced it after this group of Catholics from Tammany, New York City, Al Smith's crowd, insisted that he denounce it, even after the great Democratic Party of the Nation had declined to take such action. Were they not putting the government of Rome above the Democratic

Party then? Of course, they were; there is no other conclusion; and in an evil hour Davis denounced the klan and lost four States by that action.

Then what did they do? They owed him every vote they had; but they betrayed him. Another situation arose and they voted for Cal Coolidge, and gave Coolidge in the Democratic New York City nearly as big a majority as Al Smith got. Then talk about lecturing Democrats who say they could not support Al Smith as the nominee of the Democratic Party! If he is nominated he will not be the nominee of the Democratic Party, but he will be the nominee of the Roman Catholic party. We had just as well talk plainly about this thing. I am not going to fail my country and help anybody's insidious, false, and dangerous campaign. They helped to defeat Davis after he had done what they wanted done. They voted for Coolidge. Can Senators understand that? Coolidge refused to denounce the Klan. They were mad with him, of course, because he would not do it. Why did they vote for him?

Has our action in Nicaragua got anything to do with any of these things? We recall the friendly leanings of Mr. Kellogg in January last when the Senator from Idaho [Mr. BORAH] nailed this issue to the cross. At that time the Secretary of State was wobbling, and it looked like we were about to get into war with Mexico, which is what they wanted. Did the understanding that they would see our Mexican policy changed have anything to do with their voting for Mr. Coolidge?

Diaz, a Roman Catholic, is an imposter and usurper in Nicaragua, filling the office of President, to which he has never been elected, and he holds sway over the dead bodies of natives who fought for self-government and home rule as our forefathers fought. Yet our soldiers with guns and bayonets are fighting to hold this man in the office of President. The Roman hierarchy is in control in Nicaragua, and priests are riding in the limousines of the Government; they are making frequent trips to the capital, and that crowd is in control. They have closed over half the public schools; they are taking the money appropriated for that purpose and turning it over to Roman Catholic priests. The soldiers of Diaz, Roman Catholics, are not in danger; they are not shedding any blood; they are sitting back while American boys, the sons of Protestant fathers and mothers are pursuing Sandino, a patriot, and we are killing the native stock who love liberty well enough to fight and die for it.

Will the Senate longer sit in silence and be treated as a rubber stamp by the President, who is conducting a one-man war in the name of the United States when Congress has never declared war? What are we here for Senators? Are we going to permit this situation to continue? I have a resolution before the Committee on Foreign Relations calling for the withdrawal of our troops from Nicaragua. I believe if the Senate and the House of Representatives were given a chance to consider that resolution they would vote to adopt it and bring our soldiers home.

What right have we to superintend an election in Nicaragua? When we first went there we were told it was to protect American life and property. Next we were told that it was to superintend an election in a foreign land; and next to kill the enemies of Diaz in their mountain fastnesses. My God, what are we coming to? Is the Senate losing its courage? Are we as individuals losing our courage? Are we afraid to speak out because the Roman Catholic hierarchy wants to control Nicaragua and get us in war with Mexico?

Let me tell you what is going to happen in Nicaragua. I have the inside information from a very reliable, brilliant American who has been down there.

Mexicans who know something about military science are training Nicaraguan natives; they are helping Sandino; they are enemies of Calles and they are going to surrender to our troops, it is said, in due time and say that Calles sent them down there to help fight the United States. A miserable plot and scandal! Those who would involve my name with a scandal and involve my honor and my integrity as a man and as a public servant are behind this scheme to pull this country into war with Mexico.

Did Senators read what Archbishop Curley said last night, speaking to 500 priests and prelates? He said that they were too timid; that they ought to come out more and press their Mexican cause. That is what he was talking about, and he said that he could not understand why we did not go there and clean up. Still trying to get us into war with Mexico.

What did the Pope say while Lindbergh was in Mexico? He said that he could not understand why the civilized government did not clean up Mexico.

What did the Catholic women of this Nation say by resolution right here in Washington while Lindbergh was there as an ambassador of good will? They called on this Government to be ashamed of what we are doing to continue cordial relations with this "red-handed murderer," Calles, and denounced him in all sorts of fashions and his government because of the treatment of nuns and priests and Catholic bishops. Are we going to war for the Catholic machine, for the Catholic Church?

Senators, I am astounded when I know what I do about these movements in the United States that more of us are not talking out in meeting. The situation ought to arouse the patriotism of every Senator and stir his blood so that he would get up and make himself felt.

Mr. President, in a remark to his aid, Capt. Archie Butt, recorded by him in a letter to his mother, published in the New York Herald-Tribune in 1924, Roosevelt said:

> The Roman Catholic Church is in no way suited to this country and can never have any great permanent growth, except through immigration, for its thought is Latin, and entirely at variance with the dominant thought of our country and its institutions.

Then Mr. Roosevelt tells about when he was in Rome, and, of course, they expected him, the ex-President, to call on the Pope, and they sent him word that he could not call if he visited a certain Protestant mission there. Roosevelt was an American. He did not bow the knee to the Roman Catholic hierarchy or the Government of Rome. He declined to let them tell him where he could go or could not go, and he did not call on the Pope.

The great Frenchman, Lafayette, said that if this Government ever lost its liberty it would be by priests and nuns.

Thomas E. Watson, of Georgia, said:

> As to the public schools, everybody knows where Romanism stands. It is waging relentless warfare against the free, nonsectarian school, its purpose being to put the children in the power of the nuns and priests.

That is in keeping with what Lafayette said.

> Wherever Rome has ruled she has left the people sunk in ignorance. Never has she encouraged the laity to study the Bible. In every possible way she has striven to make learning a sealed book to the masses, compelling them to look to the priest for guidance.

Is not that true? What about Mexico; and why do they hate the very ground the President of Mexico walks on? Because he has had the courage to beard the Roman lion in his den and tell him and the world the truth. He said:

> For 400 years you cursed my poor country. Every insurrection, every revolution, all the trouble we have had can be traced to your meddling with government in Mexico.

Then they talk about expelling priests and not expelling Protestant ministers from Mexico. Do you know why? Every Protestant preacher in the service is a native, and these foreign-trained priests are sent there, and I think they have done right to keep them out. That is why they are expelling them. They are willing for the Catholics to have native priests, but foreign priests have kept the masses of Mexico ignorant so long that it is hard to find one competent enough to do the job as they want it done.

Mr. President, Premier Edward Herriot, of France, throughout his tenure of office labored to free the public schools of France and the newly regained Provinces of Alsace and Lorraine from the blight of priestcraft.

On January 23, 1925, Premier Herriot demanded that France sever all relations with the Vatican, saying:

> Rome must cease its attempts to make of Catholicism a political party in France.

God knows they have already made one of it here in the United States. When I was speaking around last summer, and I predicted that Al Smith would not be nominated, the papers of Boston quoted Jim Curley, who used to be in Congress from there and has since been made mayor of Boston, a Roman Catholic. He said if Al Smith was not nominated they would form a Catholic party, and I said, "Mr. Curley is a quarter of a century behind. They have already formed a Roman Catholic party." There are three distinct political parties in this country to-day—the Democratic Party, the Republican Party, and the Roman Catholic Party.

Again, Mr. Herriot said—listen:

> Rome is trying to constitute Catholic parties everywhere. * * *
> The Pope has congratulated the Catholics for having organized in France. This is intervention in French internal affairs. The Pope should have remained politically neutral.

On September 10, 1924, I saw a dispatch from Rome, from the Pope, in which he said it was not only his right but his duty to advise Catholics how to vote.

Continuing, Mr. Herriot said:

There is one policy—the policy of liberty and independence from the Vatican. Every nation is free, and we do not have to receive orders from the Pope.

That is the Premier of France talking. I do not remember whether he is a Catholic or not, but he is a high officer in a Catholic country, and he is sound in what he said.

Up in Rhode Island last summer the Catholic bishops had collected from some of the French Catholics $3,000,000. The Frenchman is a man of an inquiring mind, and some of them wanted to know of the bishops what had been done with that $3,000,000. They declined to tell. They went into court to have them account for that $3,000,000; and they took the case to the Pope of Rome, or to the college of cardinals, and they denounced these French Catholics. The last I saw of it they were threatening to excommunicate them, which means send their souls to hell, for daring to go into a court created by this Government about matters arising among citizens of this Government. The conduct of the Catholic bishops showed beyond question their allegiance to another government above this Government, and that was the Roman Catholic government.

Is there any escape from that conclusion? What was it that General Grant, the friend of the public school, said on this subject?

The free school is the promoter of that intelligence which is to preserve us a free nation! If we are to have another contest in the near future of our national existence, I predict that the dividing line will not be Mason and Dixon's; but between patriotism and intelligence on one side, and superstition and ambition on the other! Now, in this centennial year of our national existence, I believe it is a good time to begin the work of strengthening the foundation of the house commenced by our forefathers 100 years ago, at Concord and Lexington.

Encourage free schools and resolve that not one dollar of money appropriated to their support, no matter how raised, shall be appropriated to any sectarian school.

I am told that they appropriate money in New York for a certain sectarian school.

Now, let me bring to your attention something that has never been brought to light.

When Senator Bard, a Republican of California, was a Member of this body, a Roman Catholic Knight of Columbus, Doctor Scharf, of this city, went to him and made him a proposition that if the Congress would appropriate $200,000 for two years to Catholic schools they would throw the Catholic vote in 20 close congressional districts to the Republican candidates, and make sure of carrying the House by the Republicans. I have the testimony here—Senator Bard's testimony. He said Doctor Scharf brought him a letter from a Roman Catholic bishop named Montgomery; they were all in the scheme, and Scharf represented the Catholic Church, and the church was ready to have Democratic Catholics vote the Republican ticket in 20 districts named if they would give, out of the Treasury of the United States, $200,000 a year to Catholic schools for two years, making $400,000. Senator Bard, an honest man, told the committee what had occurred, and prevented this awful steal and deal from going through.

I am showing you that they put the Roman machine above the Democratic Party, above the Government, and above everything; and the sooner the American people find it out the better it will be for free institutions in America.

I would, if I could, reach the hearts of the Catholics who are patriotic, and tell them to draw back from the abyss to which some of their imported thick-headed priests are leading them. They are going to bring trouble, I fear. The patriotic people of the United States do not like this brazen boldness and arrogant opposition to the public-school system, free speech, peaceful assembly, and restricted immigration. Let me cite you to another instance where they put the Catholic régime first. Lindbergh, a Mason, the "Lone Eagle," as fine a type of American manhood as ever walked the earth, came back from Paris, and they gave him a big ovation in New York. Now, why should they have provided that he had to be stopped on that parade and required to go out into the square where a Catholic cardinal sat like a king on his throne and do obeisance to him, and shake hands and greet him, while the paraders halted in the street? That was not a Catholic occasion; it was an American occasion, when all Americans of all creeds should have honored him. They ought to have had Baptists, Methodists, Presbyterians, Lutherans, and all denominations out to do him honor. But they did not do it. Protestant preachers were in the background. Protestant people as such were pushed aside, and this great parade was halted, Lindbergh was escorted out, Governor Smith in front kissed the cardinal's ring. Mayor Walker next kissed the cardinal's ring, and of course it was supposed that Lindbergh would kiss the cardinal's ring; but he did not do it. He reached out that long arm and caught the cardinal by the hand and said, "How are you?"

That is the American way of doing it. He did not fall into the trap. He remembered his own Protestantism and his good father's and mother's Protestantism and Americanism.

I served in the House with Congressman Lindbergh, this young man's father.

In 1916 Lindbergh's father introduced in the House a resolution calling for an investigation of the Roman Catholic convents and the general activities of the political machine of the Roman Catholic Church. He set out, in section 7 of that resolution, that the Roman Catholics were seeking to involve us in war with Mexico. He said they were trying to destroy our public schools, free speech, free press; and yet they take his son—no doubt some of them had in mind that he might kiss that ring—and they bring him and bow his strong American back to the customs of paganism and superstition—kissing the cardinal's ring. Thank God, he stood up, with head erect, and American light upon his face, and refused to do it.

Did you know they introduced a bill in the Legislature of New York a few years back seeking to repeal the law which makes it a penalty to impersonate Christ? The purpose of it was to give them permission to allow a Catholic priest to impersonate Him in the Passion Play for the moving pictures of the country. All the States have laws forbidding any person impersonating Christ, and it is a good law. The legislature defeated the Catholic bill to permit a Catholic priest to impersonate Christ in a play in a theater in New York.

Did you know that they introduced in the New York Legislature a bill providing a penalty for anyone who represented a school-teacher seeking a school in the various communities in the State of New York if such representative dared to tell the people of the religious belief of the applicant for the school? They did, and I have seen a copy of it. I have it somewhere.

A gentleman in Albany sent it to me. What was the purpose of that? At the hearing before a legislative committee it was disclosed that the Knights of Columbus said that out in the State the Protestants were prejudiced against having Roman Catholic teachers, and if told the applicants were Roman Catholics they did not want them to teach Protestant children, and they were seeking to use the power of the New York Legislature to prevent Protestant people from knowing the religious belief of those who were to teach their children. This was done, it was claimed, to enable Catholic teachers to get into schools without the people knowing what religious belief they had.

What right have they to keep Protestant parents from knowing who is to teach their children? They have a right to know. The Roman Catholic parochial school teaches the unity of church and state. The Roman Catholic parochial school teaches that the Pope is the ruler of all lands, the Vicar of Christ, and God himself in the flesh.

The Roman Catholic machine is against a free press, it is against free speech. It has shown it on many occasions. On my rounds in speaking to the American people last year I found certain Catholics violating practically every principle of the first amendment to the Constitution. Talk about infringing free speech! They tried to keep my speeches from reaching the American people through the press. They tried to prevent those who wanted to hear me tell about the efforts made to involve us in war with Mexico from having a hall for that purpose. So they tried to deny them their constitutional right of peaceful assembly. They tried to prevent local newspapers from publishing notices of my speaking dates. So they interfered with the free press. And yet when you expose their un-American activities they squirm with a look of injured innocence on their faces and say, "They are intolerant; they are bigoted." The unfortunate thing is that they frequently induce half-asleep, half-hammered Protestants to stand up and make their speeches for them about intolerance, and they just sit back and laugh amongst themselves and say, "It went over all right. He never has known the job that we have put over on him." I will tell you what he is doing. As surely as God reigns he is helping them pave the way for the overthrow of free institutions in America.

I want to read you something that will open the eyes of the American people unless they are already blind. I want every Senator to hear this. Here is a wide-awake and truly great American. Brilliant, courageous, and eloquent; who has spoken things that this Nation needs to know. I refer to Doctor McDaniel, president of the Southern Baptist convention. I repeat he has proclaimed some important truths to his countrymen. Here is what he said:

"Rome never changes" is the proud boast of Roman Catholics. Wherever she has had the power she has suppressed dissenting opinion. Intolerance and persecution are marks of her identity through the centuries. To-day she is doing the same as in the years when freedom was in her chains.

In this good year of our Lord the bishop on the Island of Malorca in the Mediterranean led a procession of the mayor, town council, school children, and citizenry to the public square and burned several books which the people had been reading.

In Italy there appears to be an alignment between fascism and Romanism. Freemasonry was the first object of attack. Lodges were destroyed, their records burned, and Masons by the hundreds imprisoned or killed. Non-Roman Catholic denominations were the second to feel the hand of intolerance. Their churches were ordered to close all evening schools, for the order reads, "the matter of teaching, both spiritual and physical, is a delicate one and should be intrusted to the state and its church." A church building near Naples was burned to the ground, and the members were severely beaten.

And yet Roman Catholics here have the gall to talk about us interfering with an armed force in Mexico, when right under the Pope's eye in Rome they are killing Protestants who demand the right to worship God according to the dictates of their own consciences.

But let me read to you from the great message of Doctor McDaniel, of Virginia:

The press was the third to fall under the proscriptive ban. Non-Catholic papers were first forbidden to print anything contrary to Romanism. Then, on June 30, the American daily papers carried a news item from Rome under the heading, "Freedom of Italian press is curtailed drastically," virtually no foreign news may be printed. The order grossly violates every principle of the freedom of the press.

In the United States, where Catholocism is not in the ascendency, Roman Catholics have their secret societies, their houses of worship, and their religious press, and all under the protection of law. I would contend for such protection if it were not already theirs. In Italy, the seat of the Papacy, where the Roman Catholic Church is recognized by the Dictator Mussolini as "the state's church," Masonic lodges are forbidden, dissenting congregations are broken up, denominational papers are censored, and freedom of the press is denied. The Pope could remedy these wrongs in a day if he would, but he is silent. Roman Catholics of the United States doubtless could be influential and instrumental in securing for non-Catholics in Italy the rights that Catholics enjoy in the United States, but they are silent. One is constrained to inquire: If the Pope and Roman Catholics had the power in the United States that they have in Italy, would they be as intolerant here as they are there? Judged by every historical precedent, they would.

Judge Alfred J. Talley, chairman of the committee on Catholic interests of the Catholic Club of New York, has the effrontery to demand that the Government of the United States withdraw recognition of the Government of Mexico and "brand her as an outlaw," but neither he nor the Catholic Club takes any notice of the outrages visited upon non-Catholics in Italy. It depends on whose ox is gored. He can see the "persecution" of Romanists in Mexico, but is blind to the persecution of Masons and non-Catholics in Italy. He is afflicted with hyperopia.

Mr. President, if George Washington were alive to-day and in Italy, they would strip him of his Masonic paraphernalia and deny him the right to meet with his Masonic brethren in a lodge in Italy. Roman Catholics have recently murdered at Florence, Italy, in one night, 137 Masons, and only 10 of those deaths were ever announced in the press of the United States. Catholic newspapers and Catholic-controlled newspapers will not tell the truth about these things to the people of the United States. My friends, they are interfering with the press. They will not let such facts be known. They do not want us to know of the cruelties and crimes of certain Roman Catholics in countries where they are in power. They want to keep us in the dark.

Continuing, Doctor McDaniel said:

The United States is the country most coveted by the Papacy.

When the time came to organize the Colonies into a nation it was Anglo-Saxons who did it. All spoke the same language. All, except a few descendants of Dutch and Swedes in New York and Delaware, some Germans in Pennsylvania, some children of French Huguenots in New England and the Middle States belonging to the same race. Mr. Bryce aptly says: "All except some Roman Catholics in Maryland professed the Protestant religion." Being of one language, one race, and one religion, they organized the freest Government on earth. Here all languages are spoken, all races reside, and all religions are protected. It would be the irony of fate if, after this Nation has grown great by a policy of liberalism toward all, a Latin-speaking religion, made strong by immigration, should take advantage of our liberal laws to shelter and strengthen itself until it stole away our liberty and subtly bound us with the fetters of Romanism. One of our most perplexing tasks is so to guide the affairs of this Nation as to prevent this catastrophe, and at the same time see that equal justice is meted out to all citizens and religions.

ANOTHER STATEMENT FROM DOCTOR M'DANIEL

No religion, however, must use American freedom as a cloak to cover itself until it grows strong enough to cast the cloak away and thus disclose its own selfish and tyrannical character.

I commend that to the thoughtful consideration of every American who loves his country. This man has told the truth. He knows what is going on more than a great many Senators or Members of the House know; more than the American people generally know; but thank God they are getting their eyes open.

Let me read to you now the declared purpose of certain Roman Catholics, high in authority, to destroy Protestantism by force in America. Listen to Bishop Cannon. I have read to you from a message from a great Protestant—a Baptist. This one is from a great Methodist bishop, Bishop Cannon. He is in entire agreement with Doctor McDaniel, president of the Southern Baptist convention. He said that where the Catholics are in the minority they are very courteous and tolerant, but where they get to be in the majority they are very bold, aggressive, tyrannical, and intolerant; and that is true. Listen to his statement:

As a proof of the real position of Romanism, quotations are given from a very recent book entitled "The State and the Church," published by Dr. John A. Ryan, professor of moral theology at the Catholic University of America, and Father Miller, of the Jesuit Society, printed and copyrighted by the National Catholic Welfare Council in 1924.

Listen to this on page 32; we read:

Pope Leo XIII declares that the state must not only have care for religion but recognize the true religion. This means the form of religion professed by the Catholic Church. It is a thoroughly logical position. If the state is under moral compulsion to profess and promote religion, it is obviously obliged to profess and promote only the religion that is true, for no individual, no group of individuals, no society, no state is justified in supporting error or in according to error the same recognition as to truth.

Again it is declared:

But constitutions can be changed, and non-Catholic sects may decline to such a point that the political proscription of them may become feasible and expedient.

Mr. President, there is the Roman Catholic threat that whenever they get the power they will tell us here as they are telling them in Italy, "close that Baptist Church and that Methodist Church, Presbyterian, and so on. This is a Catholic country and you can not carry on your religious program here against the Roman Catholic Church." Here they are declaring it in the books written and circulated by the leading writers of the Roman Catholic Church.

Listen to this astounding statement in this Roman Catholic book:

What protection would they then have against the Catholic state?

God deliver my country from that day. They are telling us that when the time comes they will suppress Protestantism, they will force people to submit to their way of thinking, and they say, "What chance would they have against the power of the Catholic state?" In view of these threatening things, with so many Protestants asleep, I tremble for the safety of my country. Let me read that again:

What protection would they [the Protestants] then have against the Catholic state?

What protection have these Masons now in Italy? Lodges torn down, books and records burned, Masons imprisoned, 137 murdered in a night, and the grand master of the Masons of Italy sent off to prison for five years. Not a word from the Catholic power in the United States nor from that power in Italy. Then talk about being intolerant!

Listen to this statement from the same Catholic book:

The latter could logically tolerate only such religious activities as were confined to the members of the dissenting group. It could not permit them to carry on the general propaganda.

What does that mean? You could not send your missionaries abroad. You could not hold meetings in your churches and preach the gospel as Christ would have you preach it. You could not go around and have family prayer with the sick ones in the home. What a horrible doctrine to announce in these United States.

Then Bishop Cannon said:

Here is set forth openly and boldly the Romish doctrine of the right, even the duty, of the Romish Church wherever it has the numbers and the power to prohibit the carrying on of religious activities—"propaganda" by the smaller bodies. In this language is found the seed of every form of Romish intolerance, including the un-Christian, cruel, devilish inquisition.

Mr. President, in the name of all that is dear to us as a free people I call on my countrymen to wake up. The climax of this move is Al Smith's candidacy for President. Wake up, Americans! Gird your loins for political battle, the like of which you have not seen in all the tide of time in this country. Get ready for this battle. The Roman Catholics of every country on the earth are backing his campaign. Already they are spending money in the South buying up newspapers, seeking to control the vehicles that carry the news to the people. They are sending writers down there from New York and other places to misrepresent and slander our State, all this to build a foundation on which to work for Al Smith for President. The Roman Catholic edict has gone forth in secret articles, "Al Smith is to be made President." Doctor McDaniel said: "Of all countries the Pope wants to control this country." "The Knights of Columbus slogan," said Doctor Chapman, M. A. C., "is make America Catholic." Here they tell you in their book that they will force the propaganda of Protestants to cease, they will lay the heavy hand of a Catholic state upon you and crush the life out of Protestantism in America.

Oh, Martin Luther, great father of the Protestant reformation!. The greatest event in religious history except the coming of Christ was when Martin Luther, when a Roman Catholic priest, heard God speaking to him from His throne on high to throw off the robes and habiliments of superstition, paganism, and the man-made creed of Plato, which is found in a book recently published called the "History of Philosophy." The great Luther arose and thundered the doctrine of the Bible, that "Whosoever will, let him come and partake of the water of life freely," and that every man and every woman may bow down and worship God according to the dictates of their conscience." That is the essence of religious freedom. All hail to Martin Luther!

Under his doctrine no human being can be forced to belong to any particular church. You could not compel anyone to go up and kneel down and confess to a priest through a hole in a door. They could address their petitions directly to God, the Father of us all. That was Luther's doctrine. Confess your sins to Him, address Him represented by His Son, who went about doing good, who restored sight to the blind, made the lame to walk, and brought life to the dead. This was the Master who walked the dusty highways of Judea, preaching the gospel of democracy unto the least of these, my brethren. That was Martin Luther, who barely escaped with his life from Catholics who sought to kill him.

They sent for John Huss, another one who loved religious freedom well enough to die for it, who threw off the Roman Catholic shackles. They sent for him and promised him on their honor that they would guard and protect him. They wanted to hear his side, they said. They murdered him, burned him at the stake. They broke their vow to him. They trampled their honor in the dust, if they had any, and burned this Christian martyr at the stake. They did the same thing to Savonarola. They promised him protection, broke faith with him, and burned him at the stake. They sent for Luther, and Luther had a guard that would not desert him. They could not in any way frighten his guard and make them afraid. They had become thoroughly imbued with the doctrine of Luther, and they were ready to die for him. They tried to burn Luther at the stake, and when his friends got him away they had to place a strong guard about his home two years to keep the Roman Catholics from murdering him. There again is a fine sample of their tolerance.

The inquisition, one of the most deadly things in all history. The enemies of the Roman Catholics were thrown in prison and held there for years and years because they would not accept the Roman Catholic religion. Napoleon, when he swept with his brave legions into Spain and Italy, struck the shackles from the limbs of white-haired old prisoners who had been incarcerated for 30 or 40 years. They had strangled others to death and burned others at the stake—the Roman Catholics' Spanish Inquisition.

In France on St. Bartholomew's Day—of cursed memory—at midnight the signal for the slaughter of Protestants was given by ringing the bell in a Roman Catholic Church tower. Roman Catholics went forth with their implements of murder and killed men, women, and children—60,000 of them. Pope Gregory V issued a medal to be worn by those who had murdered 60,000 Protestants—the enemies of the Catholic Church, and the King ordered bonfires lighted throughout the country in honor of those who had murdered the enemies of the Roman Catholic Church.

The spirit that prompted that malice, violence, and murder is the same spirit in a different form that connected my name with this Hearst-Mexican-Catholic scandal. It is that devilish spirit that has always manifested itself when they felt that they were growing in power and were going to get control of the country.

God deliver this Nation from the rule of Al Smith and all that that means to this country. Go look at the corrupt record of Tammany and hang your heads in shame. Pillage and plunder and graft, a Roman Catholic political machine. Al Smith now its candidate for President of these United States. Tammany, denounced by Cleveland and Wilson and all the great leaders of the party. Tammany now comes forth with a soaking wet Tammanyite, a nullifyer of the Constitution and a Roman Catholic for President of the United States. I warn my party against nominating him. If they put the nomination of my party on him the Republicans can and will defeat him by from fifteen to twenty million votes.

The American people, with their knowledge of what this political machine of the Roman Catholic Church is doing, are not going to turn this Government over to it just now, and I do not blame them. Would you want Al Smith in the White House with Diaz, the Roman Catholic, running for President in Nicaragua, and our soldiers kept down there constantly baptizing the soil with the blood of the natives and killing American boys to help a Roman Catholic get elected to the office of President there? Would you want this Roman Catholic wet in the White House, with the Mexican situation as it is? Do you recall that the Roman Catholic women of America have just recently urged the President of the United States to interfere in Mexico? Archbishop Curley just last night scolding because we are not doing something, with the Knights of Columbus at Philadelphia demanding that something be done, and the resolution from a Roman Catholic Congressman from New York demanding that we sever diplomatic relations with Mexico, and Catholic organizations doing the same thing, all on account, they say, of the persecution of Catholics and the effort to destroy the Catholic Church in Mexico? Would you want to put Al Smith in charge of this Government with the power to appoint a Secretary of State and an Ambassador to Mexico at this particular time? I, for one, do not want to do that. If you are the right kind of Americans, you do not want to do it.

I am sounding this note in time. I want the country to know that it is to the highest and best interests of the Nation to defeat Al Smith's nomination. He ought not to be nominated. In my judgment, he is not going to be nominated. Every Senator in the South who supports him will never come back to this Capitol. The real Democratic Party is entitled to consideration. I have seen that party in the South—God bless that section—when the fires of the Democratic Party had gone out in the East, the North, and the West, not a Democratic governor in any of them. The South stood alone, carrying the torch of the party and bearing aloft the ark of the covenant of the Democrats of the United States. The South—God bless her—no cloud of scandal hangs on her horizon, no act of dishonor darkens her name.

And now they tell us that if we do not nominate Al Smith they will quit the party. Let them quit the party. They have done it many times before. They did it in 1916 and did their best to beat Wilson because he would not go to war with Mexico for the Roman Catholic Church. They did it in 1924 because there was some sort of understanding, I do not know just what yet, with the Republican leaders. One thing certain they did not vote for Davis. They threw down the Democratic nominee. In fact, Al Smith has no right to run in the Democratic primary. They who constitute the Roman Catholic political machine in New York are not Democratic. Let that bunch support one Democrat for President before they offer somebody for the nomination. Let Americans stand together and strive to preserve free institutions in America. Let Roman Catholic laymen show the priests and prelates that they put the American Government above everything. I am going to introduce a resolution proposing an amendment to the Constitution to deport every man found in the United States who holds a double allegiance—one to this country and one to the Catholic Government at Rome.

If he can not swear before God with his hand on his heart, that he holds allegiance to this flag, the Stars and Stripes, and to this flag only, I want him deported. There is no place in the United States for a man who holds secret allegiance to a

foreign country. I do not want any double allegiance; secret allegiance to the Pope of Rome, and some sort of manifested allegiance to this country, which is frequently brushed aside whenever Catholic occasion requires, is not a wholesome thing for our country.

I have a picture on my desk of the United States flag pulled down on the battleship *Cincinnati*. I cut it out of the Washington Post. The Roman Catholic flag is above it. Under it, it is said, "This is the only flag that flies above the United States flag." It is Sunday and they are having service. I want that order changed. I do not want to see the Roman Catholic flag or any Protestant flag above the American flag. They can hang their signs somewhere else.

When I saw that flag there I said, "That represents the spirit of 'Rome first.'" Let the United States flag always be first and on top. I resent the putting of the Catholic flag above the United States flag. I want a law that will deport persons of double allegiance, those who are playing a double-handed game. I do not want the time to come that Doctor McDaniel speaks of when they have grown so strong under the wings of our liberalism that they will come out and crush Protestantism and Americanism in the United States.

Do Senators remember when I spoke here last spring that I read about the Protestant movement in England to combat the efforts of the Roman Catholics to change the Protestant prayer book? Do they remember that I read where Protestants were getting up petitions against it? Well, the prediction I made has come to pass. The Catholic crowd submitted the change to the Parliament. The House of Lords adopted it, but the House of Commons defeated it. Listen! The only paper in America that recorded it of which I know was the Washington Star. I have had occasion to criticize that newspaper; I criticize it when I think it deserves it; but I also praise it when it deserves it. I praise that newspaper for publishing that statement. Here is what that newspaper said when the House of Commons defeated the proposition to change the prayer book, "The applause was deafening in the galleries; the Protestants were rejoicing that they had defeated the Roman Catholic move to Catholicize the prayer book of England." Now, you see they have grown bold enough in England to make that fight and it has gone to Parliament. The House of Lords surrendered to the Roman Catholics, but the House of Commons sustained the Protestant cause. They are moving upon England, the mother country.

The Catholic machine has already struck down free speech, peaceful assembly, and a free press in Italy. They are murdering men who belong to the secret order of Washington—Freemasonry—and yet we are permitting the Knights of Columbus to flourish and to threaten our public assemblies in the United States when we dare to speak about things that they do not want us to speak about.

Mr. President, let me say just a further word. It is impossible to cover this important subject in one speech. I want to read from Mussolini's own hand:

> The soul of Italy must be purified and it devolves on me to fill the assignment. * * * The liberty of the press, individual freedom, freedom of thought, all such vagaries must go.

That is the way Italy is to be saved. Right here in the United States we are permitting dangerous secret orders to be formed—the fascists—and I will discuss them in due time—and a Roman Catholic secret order flourishing right here in the United States, started in the State of New York. Governor Smith has never opened his mouth against it, but it is ten thousand times more deadly to American institutions than any Ku-Klux Klan or anything like it could ever be, with the head of it—Mussolini—in Italy.

Do Senators here realize that most Americans are asleep and that Catholic orders are putting things over all around us? But a few public men can be found to open their mouths and state the truth about them. Should a public man do so they go to him and threaten him and he has got to defy them or apologize and promise them he will never say anything else. I know of the Governor of a State who told a joke that they thought reflected on some nuns; he was just innocently repeating it. They called on him and they liked to have scared the wits out of him. He apologized; he has never told a story on them since, and has become one of the most subservient tools they have.

If ever anything is said about them in a newspaper locally, they just go quietly to the person running the newspaper and say "If that ever occurs any more we will stop our subscriptions," and you will never see anything more in that paper, as a rule. Now and then you find an American editor who will go out and tell his friends about the threat and they tell him to stand by his convictions, that they will stand by him.

This Roman Catholic political machine works in politics; and meddles with men's business. They have more people in the Government departments here at Washington than they are entitled to. Do you know, Senators, that they had a forged note about Mexico which disturbed the State Department? Do they remember that in April last? We were almost brought to the verge of war. There was an insulting note written to Calles and an insulting note written to this Government; and both countries stood wondering why such a note was written. Those notes were both forged. Seventy per cent, I am informed, of the employees of the State Department are Roman Catholics. I have read here a letter from a gentleman who said that these papers were stolen out of there last year.

Let us investigate these things and find out just where we are. If we are all real Americans, let us by all means be Americans first, not Methodists first or Baptists first or Roman Catholics first, but Americans first. Let the Catholics strip themselves of this Roman Catholic political machine that "buts in" on politics as Catholics and come out in the open like other citizens and stand up like Americans, not sensitive when somebody tells the truth on them, as I have told it here to-day.

They can not deny that the Knights of Columbus resolution to get us in war was passed at Philadelphia; they can not deny that a resolution was introduced in the House of Representatives by Mr. BOYLAN, a Roman Catholic, to sever diplomatic relations with Mexico; they can not dispute their efforts in Nicaragua to get us into war with Mexico through Nicaragua, and I am just as certain that they had a hand in this conspiracy against me and the Senators from Idaho, Wisconsin, and Nebraska as that I live and God reigns. That was the climax of an effort to silence me and them and to destroy our influence; probably to intimidate us into silence. I want to assert again, in conclusion, that I will not be cowed or intimidated by their efforts and by the mean, scandalous, lying, thieving acts they have committed toward me.

There is no amount of money that I would have accepted to have had my name even associated with it; but when they were unable to keep me from speaking in this body—and they tried to do that—when they were unable to keep me from reaching the people—and they tried to do that in order to prevent them having the truth—and when they sought to keep the Post Office Department from letting the people get my speeches from the Government when they paid for them—and they tried to do that and then charged me with selling my speeches to "customers"—they were lying and doing an un-American thing. That bunch of priests in Buffalo, N. Y., priests in charge of that newspaper—hierarchs of the church—every one of them knew when they wrote that that they were liars in the sight of God, and they are; daring to bring their infamous attacks into the sacred precincts of this Chamber to attack the name and the honor of an American Senator who will not bow the knee to the Roman Catholic hierarchy.

There ought to be some way to punish them as well as to punish Hearst—and we are not through with him yet. Probably the greatest punishment that could come to him would be to make him pay heavy damages for the wrong and the harm he has done. He probably would not feel any other kind of punishment; a man who, because of property in Mexico, because his wife is a Catholic, and because of his connections with the Roman Catholic crowd, would permit himself to be used to drag the names of four Senators of his own country into shame and scandal like this is not worthy of the respect of decent American citizens nor are those who inspired this attack, who got this Mexican half-breed Avila—and a lower skunk and scoundrel never breathed; half Mexican and half Italian, Roman Catholic on both sides, a hydra-headed Roman Catholic monster, the tool used to lug my name and three other Senators into such a scandal as this.

Mr. President, in the name of all that I hold dear as an American and in the name of the good mother who bore me and my good father who has gone to his reward, and my dear wife who has gone on to heaven, I reconsecrate myself to the service of my country. I will continue to expose and attack un-American conduct wherever I find it and do all in my power to keep them from carrying that flag and American boys to fight in Mexico or elsewhere for the Roman Catholic Church.

Mr. ROBINSON of Arkansas. Mr. President, I take the floor to make a very brief statement with reference to some of the inferences and some of the express declarations made by the Senator from Alabama in the address that he has just concluded in this Chamber.

There is not here a Member who does not believe that the Senator from Alabama and the other Senators to whom he has made reference, whose names were coupled with his in certain published documents that have been the subject matter

of investigation by the committee of the Senate, are entirely free from any express or implied suspicion as to corrupt practices or motives. The special committee of the Senate recently made a partial report to that effect. The Senate committee investigating the documents has been unable to identify the person or persons responsible for the forgeries; and no testimony which the committee feels reflects light upon the subject discloses the motives prompting the forgeries.

I consider it my duty to say that, whatever may have been the motive of Mr. Hearst in publishing the documents, I think it unworthy of the Senator from Alabama to declare that the fact, if it be a fact, that Mrs. Hearst is a Catholic is in any way responsible for the publication of these documents.

I hold no brief for Mr. Hearst. It is true that there naturally arises in the mind of every person the inquiry as to who committed the great offense against these worthy Senators and also what was the motive that prompted that infamous conduct; but there is, sir, in my judgment, not one word of testimony in the entire record taken by the special committee of the Senate that justifies the inference asserted by the Senator from Alabama that the Catholic Church or Catholic agencies inspired or prompted the forgeries for the purpose of humiliating or disgracing him or for any other purpose.

It may be that in the future, in the prosecution of its labors, the committee will be able to ascertain or to identify the guilty parties; and it may be that upon the disclosure as to who forged these documents some implication may arise as to the motive prompting the misconduct.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. ROBINSON of Arkansas. I yield to the Senator from Alabama.

Mr. HEFLIN. So far as I am concerned, I am going to object to the Senator from Arkansas remaining on that committee any longer. He feels called on to try to answer my speech to-day and go out of his way since somebody has come down there and had a conversation with him; and I am going to object to the Senator from Arkansas remaining on the committee any longer. I do not think he is fair to me, and as a representative of the Democratic Party I repudiate his speech.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Alabama can, of course, take any course about the matter that he chooses to take, and the Senate can take any course about the matter that it desires to take; and the Senate would relieve me from a very arduous and embarrassing duty if it saw fit to supply my place with another Senator in whom it has greater confidence.

Mr. HEFLIN. I shall ask that that course be taken.

Mr. ROBINSON of Arkansas. Very well. The Senator from Alabama can do that now, or at any other time that he desires to do it.

Mr. President, I am making this statement from a sense of fairness and justice. I have served in the Senate a good many years, and I have enjoyed an intimate friendship with the Senator from Alabama. I feel that I have a duty to perform on this occasion. I may be wrong about it; the Senator from Alabama may be correct; but I do not believe there is a member of this committee who does not in his conscience justify my declaration that the inference, asserted over and over again by the Senator from Alabama, that the Catholic Church and the Knights of Columbus forged or inspired the forgery of these documents to injure him, is unjust and unwarranted.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Arkansas. I yield to the Senator from Pennsylvania, of course.

Mr. REED of Pennsylvania. I was chairman of that committee, and I want to say that for myself I agree with every word the Senator from Arkansas is saying. There was not one syllable of evidence that anything in the case was inspired by any religious sect or any religious group whatsoever.

Mr. BRUCE. Mr. President, if the Senator will allow me——

Mr. ROBINSON of Arkansas. I yield to the Senator from Maryland.

Mr. BRUCE. I rise merely for the purpose of saying that I entertain precisely the same conclusions with respect to that matter that the Senator from Arkansas and the Senator from Pennsylvania do. It so happens that I, also, am a member of that committee.

Mr. HEFLIN. Mr. President, if the Senator will permit me right there——

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. HEFLIN. The Senator from Maryland took the same position upon this question when I discussed it here last spring. I did not think that he would do me any injustice when I consented for him to go on this committee, and I am still willing for him to remain on it until we can reorganize.

The Senator from Pennsylvania [Mr. REED] had just finished a fight with me and others the day he was appointed on the committee. I had opposed the seating of his man VARE from Pennsylvania; and, really, the member of that committee whom I would regard straight out as my friend would have been the Senator from California [Mr. JOHNSON].

The Senator from Arkansas had something to say here last spring on this question. He felt called on then to say something, and he did. He has gone further to-day than he did then. I discussed part of the testimony and then read letters from people all over the country saying that the Roman Catholics were doing this or the Knights of Columbus, and read excerpts from Catholic papers. The Senator feels called on to get up here now and try to lecture me; and I want the matter considered when this is over, because we are going to draw the line here. I am going to insist on it. The Senator from Arkansas can not remain leader of the Democrats and fight the Roman Catholics' battle every time the issue is raised in this body without some expression from a constitutional Democrat.

Mr. ROBINSON of Arkansas. Mr. President, whenever the Senator from Alabama can determine who shall be the leader of the Democratic Party in the Senate of the United States, that party can get somebody else than myself to lead it here.

Mr. HEFLIN. Well, you have my consent to do that now.

Mr. ROBINSON of Arkansas. Yes.

Mr. President, it is an amazing demonstration by the Senator from Alabama, who thinks there is a personal affront in the declaration that I have made, supported by every member of the special committee who is present, that in our judgment the record does not justify the inference drawn by the Senator from Alabama that the Catholic Church or its agents prompted the forging of the documents.

Mr. HEFLIN. And I never said in my speech that they did. I showed what happened in the committee, and read these letters and these newspaper articles, and then made my speech.

Mr. ROBINSON of Arkansas. Oh, Mr. President, I think throughout the speech of the Senator from Alabama and at its very conclusion he made that assertion in forceful language. I do not think my memory can be mistaken, and I am going to ask the Senator from Alabama now not to do what he is in the habit of doing—revise his remarks to such an extent that they are not recognizable after he speaks here.

Mr. HEFLIN. Mr. President, that is not true. That is not true.

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from Alabama had better not interrupt me.

Mr. HEFLIN. Well, I will say——

The VICE PRESIDENT. The Senator from Arkansas has the floor.

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. HEFLIN. I will say that the statement is not true that I correct my speeches so that they are not recognizable. I correct them as every other Senator does if I am interrupted, speaking offhand. I correct them; and it is my right to do it.

Mr. ROBINSON of Arkansas. Yes; but I repeat, Mr. President, that in the presence of all the Senate and of this audience the Senator from Alabama over and over said to-day that he believed that the Catholic Church and the Knights of Columbus and other agencies associated with the Catholic Church were responsible for connecting his name with these documents.

Mr. HEFLIN. I did; and I repeat that.

Mr. ROBINSON of Arkansas. Yes. I say that the record of the testimony which the committee took does not justify that inference or declaration, and, in my judgment, the Senator from Alabama is without justification to take offense at that statement.

I am performing what I believe to be a duty. I have not raised any question as to the Senator's right to say or to do anything that he thinks he is justified in doing in connection with this subject or this controversy.

With peculiarly bad taste, without justification in the conscience of a single one of his colleagues, either on this side of the Chamber or on the other, the Senator from Alabama has lugged into this debate the names of prospective presidential candidates. The Senate of the United States can not determine whom the Democratic Party will nominate for President at its next convention, to be held at Houston, Tex. The Senator from Alabama has asserted over and over that the Governor of New

York, Mr. Smith, will not be nominated; and he gave as his reason the assertion that Governor Smith is a Catholic.

Mr. HEFLIN. That he was a Tammanyite, a "wet," and a Roman Catholic.

Mr. ROBINSON of Arkansas. And a Catholic, yes; and the Senator said that Democrats should hang their heads in shame at the mention of the name of Governor Smith.

Mr. President, I beg the pardon of the Senate for taking note of such an irrelevant declaration; but it does seem to me that the statement made from this side of the Chamber as with the authority and approval of the Democratic Members of the Senate should be denied.

Mr. HEFLIN. Mr. President, it was not——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. ROBINSON of Arkansas. Yes; I yield.

Mr. HEFLIN. I never suggested the matter to any Democrat, and I do not care whether they indorse it or not. I am at liberty to speak about it.

Mr. ROBINSON of Arkansas. I understand that.

Mr. HEFLIN. I read a letter here from a man saying that Al Smith was going to be nominated, and so forth, and they discussed Mr. Hoover here the other day on the other side. The senior Senator from New York [Mr. COPELAND] discussed Smith and said he would be nominated and elected. Does the Senator from Arkansas propose to take the position that I can not say he will not be elected?

Mr. ROBINSON of Arkansas. Oh, no; the Senator from Arkansas does not take the position that the Senator from Alabama may not say anything he desires to say, but the Senator from Arkansas thinks that he also has the right to say a few things when he thinks the Senator from Alabama says things that ought to be replied to. The Senator from Alabama seems to think that it is a personal matter when the Senator from Arkansas differs from him regarding any statement that he makes. I do not take that view of the subject. I daily differ from my colleagues here. I have heard the Senator from Alabama a dozen times during the last year make what he calls his anti-Catholic speech. I have heard him denounce the Catholic Church and the Pope of Rome and the cardinal and the bishop and the priest and the nun until I am sick and tired of it, as a Democrat.

Mr. HEFLIN. I would like to have the Senator make that speech in Arkansas.

Mr. ROBINSON of Arkansas. I will make that speech in Arkansas, and I will make it in Alabama, too.

Mr. HEFLIN. If you do, they will tar and feather you.

Mr. ROBINSON of Arkansas. Oh, yes. That shows the proscriptive spirit which dwells in the bosom of my friend from Alabama.

Mr. HEFLIN. No——

Mr. ROBINSON of Arkansas. He says that if I say here or in Arkansas or in Alabama that I am tired of hearing him abuse and denounce the Catholic Church, and the agencies of the Catholic Church, they will tar and feather me. That is illustrative, my friends, of how a good man can go wrong, and how far wrong he can go, and what a fool he can make of himself after he has gone wrong.

Mr. HEFLIN. Mr. President, I was replying——

Mr. ROBINSON of Arkansas. Mr. President, I have the floor. I will yield to the Senator if he will courteously address me. But now, Mr. President, the Senator from Alabama has served notice on me, because I do not agree with him respecting this subject and the statement that he made about it, that he is in some mysterious way going to remove me from the leadership of this side of the Chamber. The Senator can attempt that at any time. I am going to call a conference tomorrow, and I challenge the Senator from Alabama to come before the conference and move the election of another leader for the Democratic Party of the Senate.

Mr. HEFLIN. Mr. President——

Mr. ROBINSON of Arkansas. We will take a vote on the subject there and find out whether the Senator from Alabama is entitled to discredit millions of good citizens of the United States in the name of the Democratic Party because of their religion.

Mr. HEFLIN. Now, Mr. President, the Senator from Arkansas misunderstood entirely what I said.

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. ROBINSON of Arkansas. Yes; I yield.

Mr. HEFLIN. I said, not that we would elect another leader now, but that I resented—and I do resent—the Senator standing up and trying to lecture me for drawing my conclusions about why this thing has been done to me. The Senator has no right to lecture me as he is doing. I have a right to give my conclusions, and I want a roll call. I want every Senator's name called and to have him asked, "Do you condemn Senator HEFLIN for attacking the Knights of Columbus for trying to get us into war, and for introducing a resolution in regard to the activities in Nicaragua, and for making the speech he did in defense of himself? Do you condemn him? Call the roll." I would like to have that done, and every Democrat who wishes to repudiate me will not come back to the Senate.

Mr. ROBINSON of Arkansas. I refuse to yield further.

The VICE PRESIDENT. The Senator from Arkansas refuses to yield further.

Mr. ROBINSON of Arkansas. The Senator from Alabama announces that he does not propose to meet the issue about whether I am to keep the leadership of the Democratic Party in the Senate. He wants to raise another issue and have a vote on that.

Mr. President, I leave it to my colleagues whether I lectured the Senator from Alabama until he forced me to do so. I rose in the utmost of good faith, and in the kindliest spirit, to make a statement which I thought it was my duty to make, and which I know now it was my duty to make.

Mr. HEFLIN. Mr. President, before I rose——

The VICE PRESIDENT. The Senator from Arkansas has the floor.

Mr. HEFLIN. Before I rose the Senator said I had said something that was unworthy of me. If that is not lecturing me, what is it?

Mr. ROBINSON of Arkansas. Yes; I did say that it was unworthy of the Senator from Alabama to charge, expressly or impliedly, that the fact, if it be a fact, that Mrs. Hearst is a Catholic, had something to do with the insertion of the names in these documents, and I say now to the Senator from Alabama, in moderate language, that I am amazed, I am amazed beyond the power of expression, that he would bring the name of a lady into this controversy, even though she be a Catholic.

Mr. HEFLIN. What wrong was there in doing that, if she is?

Mr. ROBINSON of Arkansas. If the Senator can not recognize it, I do not propose to waste the time of the Senate in telling him. A man of a chivalrous spirit would hold William R. Hearst responsible, rather than assail the wife of William R. Hearst, who is totally inoffensive, so far as I know, in this connection.

Mr. HEFLIN. I do hold him responsible, and the Senator ought to have held him responsible in his report. You never said anything about him.

Mr. ROBINSON of Arkansas. Mrs. Hearst's name should never have been mentioned.

Mr. HEFLIN. I am responsible for it.

Mr. ROBINSON of Arkansas. I know that.

Mr. HEFLIN. And I resent the Senator——

Mr. ROBINSON of Arkansas. And I think it is unworthy of the Senator from Alabama——

Mr. HEFLIN. It is unworthy of you to say that.

Mr. ROBINSON of Arkansas. All right. I can not settle that with the Senator from Alabama. It is another fact about which we differ.

The Senator from Alabama has said that Al Smith, because he is a Catholic, can not be nominated for President by the Democrats. He said that every Democrat ought to hang his head in shame when the name of Al Smith is mentioned. I have never been classed as an Al Smith supporter, but I have not been one of that class who believed that Governor Smith should be excluded from the list of candidates because he is a Catholic. I do not believe in excluding a candidate on account of his religion, nor do I believe in nominating a candidate on account of his religion. I believe, Mr. President, that one who is a Catholic has just as much right to apply for the favor of his party associates as one who is a Methodist or a Baptist, and I believe that when you deny that right you deny a fundamental principle of this Government.

I know that the proscriptive spirit has been powerful in every age, and I know it is easy for Senators who are eloquent and forceful and able, as is the Senator from Alabama, to fan the flames of religious hostility and animosity, and I know that as a result of prejudices thus created some of the bravest and best men who have served in public life have gone down to oblivion and defeat. Yet I know that it is the duty of a man who is a Democrat and who believes in our theory of government to stand for the equality of all men and not proscribe any man because of his religion.

Mr. HEFLIN. Mr. President, will the Senator yield there?

Mr. ROBINSON of Arkansas. Yes; I yield.

Mr. HEFLIN. Did the Senator hear me read the editorial from the Buffalo Union and Times saying that I was done, that I would be defeated at the next election, and that I should be defeated?

Mr. ROBINSON of Arkansas. I may have heard it.

Mr. HEFLIN. Will the Senator permit them to talk about a Protestant Democrat?

Mr. ROBINSON of Arkansas. Mr. President, if I had my way about it, I would stop Catholics from abusing Protestants and Protestants from abusing Catholics. That is the only way you can have that degree of religious tolerance and friendly cooperation which the principles upon which this Government was founded contemplate. The general tenor of the address of the Senator from Alabama is unwholesome and harmful. I have not raised the question as to whether the statements made about him were justified. I know that many of them that have been brought to my attention are not justified. But I call the attention of the Senate to the fact that for months and months the Senator has been repeating these so-called anti-Catholic speeches, and now he has brought into the Senate the question as to who shall not be nominated by the Democratic Party. He has said that we should hang our heads in shame at the mention of the name of Governor Smith.

Mr. HEFLIN. Have I not a right to suggest who ought to be nominated?

Mr. ROBINSON of Arkansas. Certainly; but have I not a right to reply to the Senator?

Mr. HEFLIN. Would the Senator suppress free speech in the Senate?

Mr. ROBINSON of Arkansas. The Senator from Alabama and I are perfectly amicable. He will be reappointing me to the committee the first thing you know, and I will be appointing him to some new committee.

Mr. HEFLIN. I am going to get the Senator right before I get through.

Mr. ROBINSON of Arkansas. Oh, yes. The trouble about the Senator from Alabama is that he takes himself so seriously that he thinks he can dictate to the whole Democratic Party what is right.

Mr. HEFLIN. No——

Mr. ROBINSON of Arkansas. And I do not think he can do so.

Mr. HEFLIN. And I do not think——

Mr. ROBINSON of Arkansas. There is not any well-grounded feeling in the Democratic Party of antagonism toward Catholics. Many of our strongest supporters are members of the Catholic Church. Many of the greatest Democrats this Nation has known have been members of the Catholic Church. While I do not belong to the Catholic Church—and am a Methodist—the fact remains that one who looks at history with an unprejudiced eye can not fail to recognize the fact that the glory of this Republic and the luster of that flag and the promise which the future holds are locked up in the memory, the deeds, and the achievements of American citizens, and no distinction has been made or can be made as to what religion they professed.

When the storm of war swept the world and men were dying daily by thousands, and the best and tenderest this Nation could give was given; when women whose hands had never known the touch of toil had gone to the front and donned the uniform of the Red Cross, and were standing by the bedsides of the wounded and dying, and fighting back with valor delirium, disease, and approaching death, there was no question then as to whether they were Catholics or Methodists or Baptists.

Above the smoke of conflict there towered one figure, venerated by men, women, and children throughout the allied world. It was the figure of a cardinal—Cardinal Mercier—God bless his memory! No man made greater sacrifices, endured more prolonged hardships, faced death with more unyielding courage than this Catholic cardinal.

When I was a child, plague swept the city of Memphis, Tenn. My eye could not read because of my youth, but by the fireside one evening my father read in the New York Sun a story which made me appreciate the Catholic nun. Every home in Memphis was assailed by the plague. The story was that throughout the night carts laden with uncoffined bodies were being hurried out to new graveyards where burials took place without ceremony. Men, women, and children were fleeing in every direction. The plague shrouded the city and forecast the doom of thousands.

The Sun recounted the story that three women in the robes of Catholic nuns left the city of Baltimore on a train for the scene of sorrow, desolation, and death. These three women went into the face of danger, and fearlessly and resignedly sought to relieve the sufferings of their fellow beings. When at last the plague was lifted and the people began to return to their homes in Memphis and take up the affairs and duties of life again these three nuns had themselves fallen victims to the plague. They had died literally in efforts to relieve the sufferings of others; and out in an unknown graveyard, in graves that are unmarked to this day and will remain unmarked until the final judgment day, they sleep the sleep that knows no wakening. In all the years that have come and gone since then I have not been quick to ridicule or censure or defame the name of a Catholic nun.

Mr. President, I had not expected to claim the attention of the Senate for a longer period than was necessary to make the statement which I did make in the beginning and which was so heatedly challenged by the Senator from Alabama. I hope that whoever serves on the select committee of the Senate will be able to inform the Senate who forged the documents and to suggest the probable motive prompting those forgeries. But whether I continue to serve or am removed on the motion of the Senator from Alabama, I think that he has too long and too often injected the religious controversy into these debates. I do not challenge his right to differ from me, but as he differs from me he can not question my right to assert my own opinion.

Written deep in the history of all the centuries gone by is the record of persecutions, religious persecutions. If we follow the pathway that humanity has taken from the very beginning we will find it marked by a trail of blood. Catholics have persecuted Protestants; Protestants have persecuted Catholics; sins, shames, and crimes have been perpetrated in the name of religion. It is all contrary to the teachings of the Master and to the spirit of this Government, and he does his country no service who lights the torch or sounds the cry of religious intolerance and persecution.

Mr. HEFLIN. Mr. President, I was utterly surprised and astounded at the position taken by the Senator from Arkansas [Mr. ROBINSON]. I do not know just why he felt called on to try to read a lecture to me, a Democrat, when my name had been drawn into one of the foulest manufactured scandals ever connected with a public man. I spoke my convictions on the subject as I had a right to do, and when the Senator from Arkansas rose to reply to me, to lecture me, I was astounded and I was offended by some of the things that he said.

I have a right to say who I think was involved in this scandal, who inspired it, who initiated it, and I have already said so. The Senator from Arkansas has evidently been preparing himself for a speech on this occasion. The peroration which he brought in about the nun and the soldiers in the Argonne and some priest named Mercier, all have nothing whatever to do with this matter. I have told what certain Catholics are now doing. I have told what the Knights of Columbus did at Philadelphia. The Senator from Arkansas can not deny the truth of my statements about that. I have shown that they passed a resolution denouncing their Government's policy and recommending that it cease that policy of peace toward Mexico. I have shown that a New York Congressman, a Roman Catholic, in the House, offered a resolution to sever diplomatic relations with Mexico and they had hearings on it, and no Protestant or Jew appeared to back it, nobody but Roman Catholics supported it. I have shown their activities in Nicaragua, where we are now killing American boys in defense of an imposter and usurper, a Roman Catholic president, and Catholic boys are nowhere in danger. They are far back of the firing line and Protestant sons of Protestant fathers and mothers are being butchered in Nicaragua. The Senator from Arkansas says nothing about that. One of them from my State has been killed. The war is going on there, and yet no act of Congress declaring war has been passed.

I rose here to tell what I think about certain Roman Catholics in the various walks of life who have attacked my honor and threatened my life. I referred to the Roman Catholic priest in New York who suggested that I should be waylaid and mobbed. None of these things have inspired the eloquence of the Senator from Arkansas. His heart has not gone out to me at any time while I have been fighting the battles of my country against the Roman Catholic machine that has sought to get the United States into war with Mexico. Not only has it sought it in the past, it is seeking now to do that very thing. This cardinal in Baltimore is in favor of it. The Catholic Daughters of America are in favor of it. While Lindbergh was in Mexico, carrying good will and friendship to those people, certain Catholics here are complaining that we are shaking hands with Calles and seeking to remain in cordial relations with the Government of Mexico. I am dealing with cold facts. I have read letters into the

RECORD, a dozen or more, from Protestant Americans who tell me that they believe that the bringing of my name into this Mexican scandal is the result of a Roman Catholic conspiracy. I am reading their letters and drawing my own conclusions. And the Senator from Arkansas has gone out of his way as an American, and out of his way as a Democrat, and out of his way as the Democratic leader in this body, to undertake to fight the battles of Roman Catholics against a Protestant Senator who has been assaulted by them and who has been giving his convictions and conclusions on the subject.

It is unworthy of the Senator from Arkansas to stand up here and try to browbeat me because I dare to say what I please and what I think about Roman Catholics and Al Smith. If the Senator from Arkansas should declare for Al Smith, he will be beaten to a frazzle for the Senate in Arkansas. No doubt because of the speech he has made here to-day he will receive letters from Arkansas asking him what on earth he meant by his very strange conduct on this occasion. I will ask him to ask the Democrats on this side of the Chamber who of them disapprove of me saying what I please to say on this subject and who of them are ready to rebuke me for saying what I did to now stand up. There is not one of them who is worthy of being here who take such a stand by standing up. Not one. I dare such a one to stand. [Laughter.]

Yes, the Senator from Arkansas has not guessed right as to the sentiment on this side. The sentiment on this side of the Chamber does not approve of the very strange conduct of the Senator from Arkansas. He has felt called upon, somehow, to get up here and insult me and offend the American people who are supporting me all over the Nation in my fight to expose the insidious, mean, vicious effort of Roman Catholics to get the United States into war with Mexico. The Senator viciously attacks me because I am opposed to the Roman Catholic war program. I do not fear the Senator from Arkansas politically or in any other way. I resent his uncalled for and unwarranted meddling with me in this affair. I have a right to speak in the Senate about what I please, and let me say to the Senator from Arkansas that I have not yet even begun to speak about Al Smith. [Laughter.]

I am going to say a good deal about him for the entertainment, and let me hope for the enlightenment, of the Senator from Arkansas. This is still a free country and we still have free speech in the Senate.

I repeat in substance what I said here at the last session. If we had a majority of Roman Catholics in the Senate, I do not believe it would be possible for me to make the speech that I have made here this morning, but I had never expected to live to see the day when a Protestant Senator from Arkansas and a Democrat like JOE ROBINSON would stand up here and make the speech he did make in their defense and at the same time criticize and abuse an American Senator who has been scandalized by them in an effort to destroy him. One of the editors of a Roman Catholic paper, since this investigation was started and completed, has said that I had been denounced by the people of my State, which is a falsehood, and that I am doomed to defeat when I come up for reelection, because I have offended certain Roman Catholics.

Am I not at liberty to answer those attacks and say what I please as an American and a Democratic Senator without being lectured by the Senator from Arkansas? I dare him to make to the people of his home State, Arkansas, exactly the same speech he has made here to-day. If he were to speak to a thousand patriotic people in Arkansas and say exactly what he has said here to-day about me in the defense of Al Smith and the Roman Catholic machine behind the screen, they would hiss him in practically every audience in Arkansas. He does not represent the people of Arkansas in his strange attack on me. I will speak to Arkansas audiences this summer. I stayed out of there previously on account of the Senator and his colleague. I was invited in there to lecture all over the State. I did not want to stir up any subject there that might embarrass them in any way, but I am going in now. I am going to deliver about 20 lectures down there now. Whenever one of them challenges me on a vital principle I always try to accommodate him.

The Senator from Arkansas has challenged me, strange to say; and he has challenged me and insulted me when I stood here in defense of my honor; yes, and when I was giving my best judgment and conscientious conclusions as to who had inspired and initiated the connection of my name with this miserable Mexican scandal. I repeat the attack on me is the result of a Roman Catholic conspiracy, Mr. President. When I get up here, as I have a right to do, and tell the Senate who I think the enemies are the present leader of the Democrats in this Chamber and a member of the special investigating committee, who had nothing whatever to say in condemnation of Hearst had nothing whatever to say in condemnation of Avila, the villain and thief used in the case, now, strange to say, gets up and lectures me and praises Roman Catholics.

The committee report was, indeed, mild-mannered and weak on the crooks and criminals who slandered four United States Senators. They brought it in here and, of course, they exonerated us; there was nothing else that could be done, and that, of course, was all right; but they never arraigned Hearst in a single line. Why was that? Was it because of his close relations with Mellon? Was it because Mellon refunded him nearly $800,000 in taxes? What was it? And what was it that has moved my former friend from Arkansas to get into this debate in the manner that he has?

Lord, God of Hosts, be with us yet.

The idea of JOE ROBINSON [laughter] from the fine old State of Arkansas getting up here and making the speech he made to-day. I wonder if he could be fishing for the Al Smith support when we get through throwing him through the skylights of the convention? I wonder if he thinks that they will appreciate his efforts here to-day and rise up and say, "We will nominate you." Well, Joe, if the Roman Catholic machine nominates you, you have not got as much chance to be elected President as a mouse-colored mule has to operate an airplane in a nonstop trip to Paris. If that bunch nominates you as the heir to the Al Smith support, good bye Josephus; you are gone for keeps. [Laughter.]

The idea, Mr. President, of the Senator from Arkansas getting up here in the Senate and undertaking to lecture me under the peculiar circumstances that exist. If some Roman Catholic Senator had done it, it might have been excusable, for he would be expected to say something for the church or its political organization; but for the Senator from Arkansas to take it on himself without even consulting the Democrats on his side to stand up in the Senate and affront and offend and insult a Democratic Senator, the only Democratic Senator whose name was connected with this infamous Roman Catholic plot, to stand here and arraign him and insult him in a speech as he has done is unworthy of the Senator from Arkansas, and deserves to be denounced by every real Democrat in the Senate.

The Senator from Arkansas does not voice the views and convictions of the Democratic Senators on this side. The Democrats on this side of the Chamber—the self-respecting, brave Democrats, who are 100 per cent Americans—are not in sympathy with the Senator from Arkansas, who has tried to rebuke me for making the speech that I wanted to make under the conditions that exist. I dare say that there is not another Protestant Senator in this body on either side who would have gotten up here and made just such a speech as the Senator from Arkansas [Mr. ROBINSON] has made. I am not sure that I know who the gentleman was who walked down and sat down by and talked with Senator ROBINSON a little while before he spoke, but I am almost sure that he is a Roman Catholic Congressman from New York. [Laughter.]

Oh, Mr. President, we are coming to a miserable pass in this body under the present leadership on the Democratic side if a Democratic Senator whose honor has been assailed can not get up and speak his convictions and tell the truth to his colleagues and to the country as he sees the truth—it makes no difference whether he is talking about Catholics, Protestants, or Jews; that is his business. Then for the Senator from Arkansas to get up and tell me that I ought not to have said that Mrs. Hearst is a Catholic. That was a link in the chain of circumstance and testimony that I obtained. I showed that the other parties were Catholics, and that this man's wife was a Catholic, and this book on Jesuitism says the wife frequently controls the husband by mental manipulation. Of course, the Senator from Arkansas did not know anything about that; some other sort of manipulation got him going, and so he gets up and undertakes to rebuke me and speaks about my speech "being unworthy of the Senator from Alabama."

Let the people who hear me and who read it be the judges of that. Since the Senator has taken the strange stand he has I do not care what the Senator's opinion as to whether my position is worthy or unworthy. I do not care the snap of my finger. The Senator from Arkansas has taken a strange position and one that is unworthy of him. He had no right to take such an unwarranted position as the leader on this side of the Senate without first consulting the Democrats on this side. He has got no right as leader to intrude himself in as he has done to-day and arraign a Democrat who has been assailed by these villains who have tried to destroy me as a Senator of the United States. They have attacked my honor, Mr. President, and I think more of that than I do of the wealth of the world. After I have discussed matters with reference to myself and then

quoted great Baptist preachers and great Methodist preachers, and quoted Grant and Lincoln and Jefferson, Roosevelt and Voltaire and Luther and Garibaldi and Savonarola, all warning us against the dangers of the Roman Catholic political machine, the Senator from Arkansas rises up and makes a speech—a very bitter speech—and suggests what I have done, his Democratic colleague, is an outrageous thing. He will be petted and praised by the Roman Catholics. The hierarchy will put a wreath of appreciation and approval upon his brow; they will even let him kiss the cardinal's ring. Oh, they will accord great honors to him. They have always been able, strange to say, to get some Protestant to wade into the breach and take up the cudgel and fight their Roman Catholic battles. But I never thought that they would ever be able to get so intelligent a man as the Senator from Arkansas to come to their rescue at a terrible time like this. But they got him into it to-day; and he winds up by telling about three nuns who died down there in a plague in Memphis some 30 years ago. I am sorry about that, but I am in no way to blame for that.

He tells us about others whom he knew in his youth. I have not said anything about those things. I am not discussing them here to-day. I have not said anything about Catholic soldiers who fought worthily in France. I honor every one of them who did his duty; but I am talking about Roman activities here in America and telling about those of them who are still trying to get us into war with Mexico in behalf of the Catholic Church, and also about their efforts to destroy me because I opposed their Mexican war program.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I do not think I will. I think too much of the Senator. I am afraid he might say something that would cause me to feel like operating on him. [Laughter.]

Mr. TYDINGS. Mr. President, I should be very glad to have the Senator operate on me if he would give me the same chance on him.

Mr. HEFLIN. I like the fine young Senator from Maryland, but I can not yield to him just now.

Mr. President, I repeat, I honor every Catholic who has done his duty by our country, but I am speaking of those who have harmed me and who are already boasting and rejoicing at what they think is my defeat for reelection, in view of the scandal they have put upon me. They would rather have me out of this body than anything else in the world, except the election of Al Smith for President. They would rather drive me out of the Senate than anything that could happen except putting Al Smith in the White House; but they are not going to do either.

I can beat, and I will beat if I live, anybody they run against me in Alabama, I do not care who it may be; and if the Senator from Arkansas will make a speech such as he has made here to-day, they will beat him in Arkansas ten to one. If he will make that speech in Arkansas exactly as he made it here—and I want him to leave it just like he made it in the RECORD—he is going to have a hard time to come back even if nobody runs against him. [Laughter.] They would come mighty near beating him without any opposition.

But, Mr. President, I want to say before I close, and I have been on this floor quite a long time already, that my feelings are hurt. I am deeply offended at the course the Senator from Arkansas [Mr. ROBINSON] has taken. I never dreamed that he could be induced to take such a stand. All that I hold dear has been assailed in this Hearst-Mexican-Roman Catholic scandal—my good name, my honor, my integrity, the reputation that I have tried to build with faithful service to my country. I have done what I thought was my duty; I have come here and laid the facts as I had them, and given the conclusions as I have reached them to the Senate, and I am rebuked, strange to say, by the minority leader. The Roman Catholic Senators sat back and smiled as the Senator from Arkansas attacked me, and many of the other Democrats have frowned their disapproval. They do not, they can not indorse his strange stand. None but those who are dependent upon the Catholic vote to reelect them do indorse his course, and I trust they will not cause me to call their names. If they do, I will name them; I know them. There are three or four of them. They would do a heap of things to obtain that support, and they would attack me if pressed into service.

I can not understand, I repeat, why the Senator from Arkansas has done this thing. If he has consulted with any Senator on this side and told him that he was going to assail me in this fashion, I should like for the Senator with whom he consulted to stand up now and let me and the Senate know who advised or sponsored such a thing. If there is a Democratic Senator on this side who approves his attack upon me for saying what I wanted to say in a matter involving my honor and integrity, I want him to stand up and show where he stands. [A pause.] No one stands and the Senator from Arkansas does not have the approval of the real Democrats on this side.

Mr. President, I have no religious prejudice. [Laughter.] I am simply a whole-hearted American. I wish the Catholics well if they will set up American ideals and love and serve this country and stop that political machine working behind the screen and under the cloak of the Roman Catholic Church. I am willing for them to have their religion, but I am not willing for them to have the United States Army to fight their religious battles in foreign countries. I am not willing for them to take Protestant boys or Catholic boys or Jewish boys from Arkansas and Alabama and other States and transport them to Mexico to fight and die to restore the Catholic Church to power in that country.

The Catholic Church, we are told, has acquired half of the lands of Mexico; and how did it get them? When the wealthy landowner came to die the priest told him, "If you will deed your property to the Roman Catholic Church, we will pray you out of purgatory." That is the way, we are told, they got half the lands of Mexico; and the suddenly made poor Mexican families, stripped of their substance, bereft of their homes, were set adrift in Mexico; the church had gotten the estate. In this way the Catholic Church accumulated half the lands of Mexico. The Roman Catholic priests went amongst the farmers and would not let them plant their crops until they had paid them a fee to bless the soil so that it would produce in abundance. They raised money from them in that way. Furthermore, they had in the Mexican constitution a provision that no Protestant or other religion could exist in Mexico—none but the Roman Catholic religion. And now the Roman Catholics of the United States are still trying to involve us in war with Mexico because of the Roman Catholic Church.

I got into the discussion of this question as an American Senator following the speech of the able Senator from Idaho [Mr. BORAH]. I spoke for my country and the lives of our boys. I have got no apology to make for it; I am going to continue to fight to keep them from using our Army for such a miserable purpose.

They are never going to take American boys out of Arkansas and Alabama and kill them in the cause of the Pope in Mexico, if I can help it. It does not make any difference how many times the Senator from Arkansas [Mr. ROBINSON] attacks and abuses me, he will not, he can not, intimidate me or drive me from my duty in this matter. I will continue to carry on.

Mr. President, Senator ROBINSON is a member of the committee appointed to try this case in which I am involved, and strange to say he has become a partisan before the thing is over, and stands here and undertakes to lecture me and to prosecute me, a man accused by the villainous bunch that I am discussing. The position of the Senator from Arkansas is inexcusable and indefensible. Of course, I object to him continuing further on that committee. I would not be just to myself and the questions of the decent and honorable proprieties involved longer to permit this Senator, since his performance here to-day, to remain on the committee to investigate the Hearst-Mexican-Catholic scandal.

Why, Mr. President, in view of what the Senator from Arkansas has done here to-day, when my honor and character have been unjustly and scandalously attacked, I could not even think of permitting him, if I can help it, to remain on the committee. I am deeply in earnest about it, and must ask him to retire from that committee.

I had nothing to do with selecting the committee. Of course, there are some others on that committee that I do not regard as my very warmest personal friends, but I was not considering that. I was willing for any Senate committee to investigate the slanderous charges. The other members have not yet undertaken to persecute or prosecute me. That remained for the Senator from Arkansas [Mr. ROBINSON], strange to say.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. ROBINSON of Arkansas. I ask unanimous consent that at the conclusion of the remarks of the Senator from Alabama the Senate proceed to vote on the question as to whether I shall continue a member of the special committee of the Senate.

Mr. HEFLIN. I object, Mr. President. I want the Senate to hear me on that proposition. I certainly have a right to be heard on it. I will bring it up in due time. The Senator from Arkansas need have no fear about that.

Mr. President, when the Senator from Arkansas last interrupted me I was about to conclude my remarks.

The attack on me by the Senator from Arkansas can not be defended; it was inexcusable and indefensible. There never has been anything like it in the history of this body that I know anything about. Strange, indeed! On a committee of Senators to try this case, having exonerated me, and still holding the committee in existence for some other purpose, the Senator rises, a juror in the case trying me and other Senators, and proceeds to prosecute one of the men who has been under investigation before him. Great God! There is not anything like it in history that I can now recall. I repeat, the conduct of the Senator from Arkansas is inexcusable and indefensible.

Let me close by saying to the Senator that I, too, had a youth time. When I was about 12 years old my father and mother commenced to have family prayer. My father was a country doctor and a farmer. There were eight boys of us, and one girl. One night my father was called off to see somebody who was sick and my mother held prayer. I shall never forget that picture. With a little center table with two or three lighted candles on it and the big family Bible, she read the Twenty-third Psalm, and then knelt down with us children all about the hearthstone and prayed. She prayed to God to bless her children, to make them honorable and useful in the world.

Mr. President, I have never forgotten that prayer. I have never forgotten the teaching that she gave me, or the teaching of my good father. Both of them have gone to their reward. I was a poor boy. I struggled for an education. I borrowed the money that enabled me to go to college. I had a hard time—perhaps the hardest time of any boy in the family. When my mother died I carried the keys to the smokehouse and the pantry and gave out the provisions to the cook and looked after the housekeeping and then did work on my father's farm. I had a hard time, I thought; but I got along somehow, and the people of my State have been good to me. They elected me to local offices and then secretary of state of Alabama, then to Congress for 16½ years, and twice to the United States Senate.

I love the people of my State and they love and honor me. I think more of my honor as a native-born Alabamian and more of their loving favor than anything else connected with my public career. I have striven to do my duty. I have tried to do it as God has given me the light to see it; and when my honor and integrity have been assailed and dragged into the mire and filth of such a scandal as this, it has touched and aroused every fiber of my indignation and resentment. And, Mr. President, in the name of the sainted mother who gave me birth and in the name of my good wife, who has departed this life and gone to her reward, leaving to me the fine and manly boy who bears my full name, I want to say that I had rather leave to him a good name, the name of a father who had met honestly and courageously all the engagements of his public life and had done his duty as he saw it, than anything else in the world.

Mr. President, nearly all Senators, I believe, will understand and appreciate my resentment at the conduct of the Senator from Arkansas when he gets up here and champions the cause of those who have attacked and slandered me. I resent and repudiate his strange and inexcusable performance here to-day.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry. What is the business before the Senate?

The VICE PRESIDENT. The question is on agreeing to Senate Resolution 112.

Mr. WALSH of Montana. I desire to address myself to that question.

SENATOR FROM ILLINOIS

The Senate resumed the consideration of the resolution (S. Res. 112) opposing the seating of FRANK L. SMITH as a Senator from the State of Illinois, reported from the special committee investigating senatorial campaign expenditures.

Mr. WALSH of Montana. Mr. President, the opportunity was denied me to participate in the brief debate which ensued at the opening of the present session over the admission of claimants to seats here from the States of Illinois and Pennsylvania. The attitude taken by one of them, bringing the subject again thus early before us upon the report of the committee to which it was referred, warrants me in submitting some observations on the constitutional aspects of the question presented by the course pursued toward them. He, in effect, as I understand the situation, stands mute in the face of the charges against him, and declines to discuss or meet them until and unless he is provisionally seated, thus renewing the controversy over the right of the Senate under any circumstances to halt at the door a claimant coming with a certificate of election until his qualifications and the legality of his election shall have been inquired into.

When the question was presented at the last session of the Senate of its right under the Constitution to deny a seat in this body to FRANK L. SMITH, it turned upon the interpretation to be given the word "qualifications" in that clause of our organic law providing that each House of the Congress shall be the judge of the elections, returns, and qualifications of its Members. SMITH claimed, under appointment from the Governor of the State of Illinois, to fill the unexpired term of the late lamented Senator William B. McKinley, whose death followed speedily upon the primary preceding the general election of 1926 in which he was defeated for the nomination of his party by SMITH; his election, as the returns showed, being offered by the governor as one, at least, of the moving considerations for his appointment.

A committee of the Senate had meanwhile reported that there had been spent in the primary to encompass his nomination a sum in excess of $458,782, considerably more than the amount reported in the Newberry case, concerning which the Senate declared by formal resolution—

> The expenditure of such excessive sums, either by a candidate or by his friends and relatives in his behalf, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved.

It will be recalled that that resolution originated with and was supported by the friends of Newberry, not by those who sought to exclude him. It was condonatory in character; and, if it had any purpose except as a means of escape for some Senators whose conscience drove them to one course while party expediency pulled in the opposite direction, it must have been intended as a warning that the Senate would not stand for a repetition of such extravagant use of money to break into this body.

But that was not the head and front of the offending of SMITH. He was at the time of the nomination and election, and for a number of years theretofore had been, the chairman of the Illinois Commerce Commission, charged with the duty of fixing the rates to be charged by and otherwise regulating corporations operating as public utilities in that State. The heaviest contributor to his campaign fund was shown to be Samuel Insull, the managing head of public utility corporations having a nominal capital of approximately a billion dollars, a gigantic and complex system, with ramifications in distant parts of the country, but centered in the city of Chicago, Ill., with business more or less continuously before the commission mentioned. Insull's contributions totaled the tidy sum of $158,735. Some Members of the Senate took the view that, considering SMITH's flagrant disregard of the warning given in the Newberry case, considering his total disregard of the decencies in accepting huge contributions from a suitor, either existing, past, or prospective, before the tribunal of which he was the head, he had shown himself disqualified for membership in this body. If anyone doubts the soundness of the conclusion thus arrived at, let him imagine a Senate composed of men all of whom, or any considerable number of whom, were of such easy political virtue or who were similarly tied to favor-seeking corporations or their masters.

It was contended, however, and now is insisted in behalf of SMITH that the Senate was powerless thus to preserve its own integrity. On the one hand it was claimed that one legally elected or appointed, possessing the qualifications of age, citizenship, and residence, specified in the Constitution, must be admitted, whatever may be his deficiencies either in character or in intellect. On the other hand, it was insisted that the Constitution absolutely forbade the admission of one wanting in any of the three particulars mentioned, but left the Senate free otherwise to judge of the qualifications of the claimant; and attention was directed to the peculiar language, negative in character, of the Constitution:

> No person shall be a Senator who shall not have attained to the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

It must be admitted that either contention, followed to its ultimate and logical conclusion, leads perilously near, if it does not precipitate its supporters over, the brink of absurdity. The advocates of the one theory must admit, if they are correct, that, having the three constitutional qualifications, a State may send here a convicted felon, the perpetrator of a foul murder, even a traitor whose hand has been raised against his country, and who, unregenerate, may be plotting against its very life. This august body must admit him. No crime, however heinous,

no moral turpitude, however grave, can bar him. Nor is it to be regarded as too speculative to indulge in the supposition of the election of one thus clouded in character or reputation.

After the Civil War there appeared repeatedly at the bar of both Houses, demanding admission, Members elect who had participated in that unfortunate conflict on the part of the Confederate States. Whatever may be said either in justification or in extenuation of their course, whatever moral aspect it may bear, they were technically guilty of treason against the United States. Such a situation is not unlikely to arise after any unsuccessful revolution. The Constitution contemplates that such a crisis may confront the country, for it defines treason as levying war against the United States or giving aid and comfort to its enemies. Yea, it assumes that even high officials may be involved in such guilt, for it declares that Members of Congress shall be exempt from arrest except for treason, felony, or breach of the peace while attending the sessions, or going to or returning from the same.

And the uprising of 1861 is by no means the only instance in our history when the authority of the Federal Government was defied by force of arms. Aaron Burr was tried and John Brown hung for treason. The whisky rebellion and the Dorr rebellion were quickly suppressed. It is not difficult to conceive Burr, his hands red with the blood of Alexander Hamilton and under suspicion not yet cleared of plotting the dismemberment of the Union, as having been elected to the Senate by a Western State, or John Brown, escaping on some technicality, returning triumphantly to the Capital as a Senator from bleeding Kansas.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. I recognize the Senator as a man familiar with the Constitution of the United States and with the history of our country. Is it not a fact that because many thoughtful men, regardless of politics or partisanship, reached the conclusion that men who had been in rebellion against our Government were nevertheless eligible for election to this body, the fourteenth amendment was proposed and ultimately became a part of the Constitution? I am asking the Senator if that is not historically the origin of and one of the reasons assigned for the fourteenth amendment?

Mr. WALSH of Montana. Mr. President, let us not get into a state of confusion about this. The fourteenth amendment adds other disqualifications. It disqualifies one who, having taken an oath to support the Constitution, afterwards engages in rebellion. The Congress was still left in its own discretion, as it had been theretofore, to exclude him for other causes.

Mr. SHORTRIDGE. But without that amendment, a citizen who had engaged in open rebellion against this Government was eligible for a seat in this body.

Mr. WALSH of Montana. He was not absolutely excluded, but each House of Congress, by the Constitution, was to judge of his qualifications, and they invariably decided that he did not have the qualifications under such circumstances.

Mr. SHORTRIDGE. Those precedents we will deal with hereafter; but permit me to put the matter in this form: It is my firm belief that prior to the adoption of that amendment, any citizen of any State possessing the qualifications, of age, citizenship, and inhabitancy, was eligible for election and for a seat in this body, notwithstanding his theretofore open conduct of rebellion, and I am of the opinion that it was because learned Members of this body, representing both sides of the Chamber, reached the conclusion that there was nothing in the Constitution as of then to bar him; that because of that belief it was sought to bar him, and he was barred, by virtue of the fourteenth amendment.

Mr. WALSH of Montana. But he was not. He was only barred if he had theretofore taken an oath to support the Constitution.

Mr. SHORTRIDGE. Certainly, one who had taken the oath mentioned, as was the case of a certain Senator who had retired from this body to join in the rebellion. Of course, he had taken an oath. Afterwards, if he sought to reenter this body, it was believed by many that he was eligible, but there were those who thought that such a thing should never be possible; hence the fourteenth amendment.

Mr. WALSH of Montana. Quite so.

Mr. SHORTRIDGE. Hence the fourteenth amendment, and particularly subdivision 3 of that amendment; but without that amendment he was eligible.

Mr. WALSH of Montana. The Senate could bar him or not as it saw fit.

Mr. SHORTRIDGE. No; the Senate could not bar him, according to my view, and that was the view of the Senate as then constituted. Of course, there may have been difference of opinion in regard to that point.

Mr. WALSH of Montana. I take it that the country realized that either House was at liberty to seat these people or not to seat them, but in view of the high passions that were aroused then the country intended to take that discretion away from both Houses by the fourteenth amendment as to the particular class therein mentioned.

Mr. SHORTRIDGE. And, of course, to that intense passion and heat I attribute some of the precedents upon which men now rely.

Mr. WALSH of Montana. Let me ask the Senator now, as I asked another Senator upon the other side, suppose the Senator in his place here immediately after the war and one of these men, before the fourteenth amendment was adopted, came here with a certificate from the governor of a State. How would the Senator vote?

Mr. SHORTRIDGE. I am glad that question is put to me. I answer it categorically and plainly. As the Constitution then stood, upon the reconstruction or the coming back into the Union—if it was ever out of the Union—of a given State, if its legislature—the Legislature of Georgia, for example—had properly elected any man who met the qualifications of a Senator as I understand them to be, even though he had led the Confederate forces in the Battle of Gettysburg, a distinguished southern soldier, I would have voted to admit him into this body.

Mr. WALSH of Montana. The Senator thinks so now.

Mr. SHORTRIDGE. I was not then alive to so think.

Mr. WALSH of Montana. Of course.

Mr. SHORTRIDGE. But if I had been, I would have thought so and done so.

Mr. WALSH of Montana. Is the Senator able to tell us how the Senators from his State voted on the matter at the time?

Mr. SHORTRIDGE. No; offhand I am not. There were some very great Democratic Senators from California, as the Senator knows so well, and some Republicans, through the years. I do not remember how they voted. But let me say this, that there would have been another reason why I would have voted to admit him, and I say this, feeling very deeply on the subject. I would have voted for him because the erring son was returning, and if he came back here to enter this Chamber, to take an oath to support his Constitution, I would have welcomed him.

Mr. WALSH of Montana. Most of the members of the Senator's party, however, took a very different view about it at that time.

Mr. SHORTRIDGE. That may be so, but I am speaking for my own poor self.

Mr. WALSH of Montana. Mr. President, having presented one horn of the dilemma, I proceed to present the other.

It is true that if the other alternative be taken and it be held that either House may go beyond the three qualifications specified in the Constitution, there is no limit to its discretion in excluding one legally elected to membership. It may reject him for the most trivial cause, for any cause originating in its whim or caprice, on account of the color of his hair, the cut of his clothes, or his racial origin. But in every act of that character it would be restrained by the force of public opinion, if not by the oath each member must take, and by his conscience and self respect, regardless of his oath. After all, ours is pretty much a government by public opinion. Any gross offense, such as that supposed, would be likely to bring retribution at the polls. The power might be abused. If it were lacking, treason might stalk these halls unmolested.

Both Houses have wisely settled the question in favor of the existence of the power. After some vacillation they both eventually, after the Civil War, excluded at will, and repeatedly excluded, those who had been in arms against the Union. The House refused to permit Brigham Roberts, coming here with four wives, to take the qualifying oath. It turned down Victor Berger for lack of loyalty to the country during the World War. Just what offenses, just what lack of moral principle, will justify resort to the power to exclude, is nowhere defined, and perhaps it is well that no attempt should be made to define it. The Constitution does not specify upon what grounds a member may be expelled. Each House it says—and says only—may by a two-thirds vote expel a Member.

Official conduct is judged by different standards in different times. Most of us will recall when all Members of Congress and most judges traveled on railroad passes. A Federal judge

who toured the country gratuitously in the private car of an officer of a railroad company was dismissed by this body sitting as a court of impeachment, most of the triers having accepted like favors. In our times a Member would be expelled for speculating in the public funds while legislation affecting their value was pending, as did half the Members of the First Congress while Hamilton's financial measures were before it.

So much has been said because there has been a renewal of the charge in journals, usually apologetic concerning corruption, that in the case of SMITH the Senate manifested the mob spirit and flouted the Constitution. A former Member of this body, with more asperity than reason, elaborates that view in an article lately published.

The issue before us relates, however, rather to the validity of the election than to the qualifications of the claimants challenged. Both questions, however, are here involved. Of the right of the Senate to determine whether either was duly and legally elected there is no room for dispute. It is insisted, however, that pending the determination of that question they must be sworn in and accorded all the privileges of membership because they come here with the certificate, the one from the Governor of Illinois and the other from the Governor of Pennsylvania. Much oratory is indulged in concerning the sanctity of such a certificate from the executive of a sovereign State and the sacred right of a State to representation in this body. A book has been published under the pretentious title of "The Vanishing Rights of the States." Whatever merit it may have from a literary point of view, it masquerades as a scientific discussion of a public question, when in reality it is a brief for WILLIAM S. VARE, the author having recently been rewarded by that gentleman with a seat in the House of Representatives, handed to him just as parliamentary seats were bestowed on court favorites in the good old days of the rotten boroughs by the proprietors thereof.

The book features the career of John Wilkes, and that is where the funny part comes in; Wilkes, invoked in defense and support of corruption, in fighting which he gained his place in history. It is said that the devil can cite Scripture to his purpose. Well, he can cite history, too. God works in a mysterious way His wonders to perform, and He often uses queer instruments to effect His purposes.

Wilkes came upon the scene in the stirring decade that preceded our Revolutionary War. George III was struggling to rule after the arbitrary and tyrannical fashion of his Hanoverian ancestors, but the Parliament stood in his way. Well, he would buy the Parliament with royal smiles, with the equivalent of those days of rides on the *Mayflower* and breakfasts of buckwheat cakes and maple sirup; with appointments and promotions; with titles dear to the heart of an Englishman; and, where necessary, with cold cash.

The historian Green tells us that "the elections for the new Parliament, which met in 1768, were more corrupt than any that had as yet been witnessed," and he adds that "even the stoutest opponents of reform shrank aghast from the open bribery of constituencies and the prodigal barter of seats."

It was in that heyday when Walpole gave expression to his famous apothegm, "Every man has his price." George found that a good many had. Not Wilkes. He was a scurrilous scoundrel, of bad manners and worse morals. He was a facile writer with an inexhaustible command of billingsgate, which he let loose in unrestrained measure at the policies and persons of the ministers, and particularly at the venality of the court; in short, at the corruption that pervaded the entire government. His shafts of ridicule and invective were even directed at the sacred person of the King. While a member of Parliament in 1764 he was charged with publishing a seditious libel and fled to France to escape arrest. He returned in 1768 and boldly entered the campaign then in progress, and despite all the power of the Crown was elected from Middlesex. He was promptly expelled; and then ensued a game of battledore and shuttlecock, his constituency returning him three times more, the House excluding him as often. Meanwhile the treatment he had had gave rise to riots. Mobs paraded the streets of many of the cities shouting "Wilkes and liberty." The populace was strongly with him. He became even more a hero in America than in England. A thriving town of Pennsylvania—Wilkes-Barre—took its name from him and another critic of the Crown and friend of the Colonies, Colonel Barré. He managed eventually to hold his seat and in 1782, when the ministry came in that called off the war with the States, the record of his repeated expulsion and other proceedings of the Commons against him was expunged.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. Certainly.

Mr. SHORTRIDGE. Of course, the Senator has in mind that sovereignty rested in that body—in the Parliament—whereas our powers here are delegated powers, and we have no power unless it is specifically or necessarily impliedly delegated; wherefore the Parliament, claiming that the power rested in it or the House of Commons, not controlled, as I think we are controlled, by a written Constitution delegating our power, the House of Commons could do anything it saw fit to do.

Mr. WALSH of Montana. Oh, yes; but the Supreme Court of the United States decided the other day that there are implied powers in each House which are not expressed in the Constitution at all.

Mr. SHORTRIDGE. Why, many powers are implied, of course.

Mr. WALSH of Montana. Very well. We contend that it is implied that each House has the right to protect itself against the inclusion of people of that character unless it is prohibited by the Constitution.

Mr. SHORTRIDGE. Even though it reverses the judgment of a State?

Mr. WALSH of Montana. A State must send its Members here subject to the provisions of the Constitution which give to this body the power to judge of his qualifications and also of his election.

What is the lesson of the Wilkes story? Obviously that the House of Commons freely exercised the power either to expel or exclude for any offense or delinquency which in its judgment rendered it dangerous to the public weal that the proscribed individual should become or continue a member of the national council. It may have exercised this plenary authority unwisely, unjustifiably at times, and possibly may have done so in the Wilkes case, but what harm has come to the British Nation by virtue of it?

Mr. NORRIS. Mr. President, may I interrupt the Senator just at that point?

Mr. WALSH of Montana. Certainly.

Mr. NORRIS. I can not permit that statement to pass without giving it, as I believe it deserves, a little more emphasis than the Senator has given it.

The case the Senator has been referring to was given by Mr. BECK in his book as an illustration to show that neither the Senate nor the House possessed this power. He gave that as an illustration. As the Senator has truthfully said, the very illustration is a demonstration that the Parliament exercised the very power that we are exercising here and which he is trying to deny in the argument he is making.

Mr. WALSH of Montana. Exactly.

Mr. NORRIS. So that his only illustration is an illustration from history that the Parliament exercised the power which he is trying to prevent us from exercising here.

Mr. WALSH of Montana. He sought to demonstrate that because the Parliament of Great Britain did what it had no right to do, the Congress of the United States has no right to do this because the Parliament of Great Britain did not have that right.

Mr. SHORTRIDGE. Mr. President, may I add just this observation?

Mr. WALSH of Montana. I yield to the Senator from California.

Mr. SHORTRIDGE. The Parliament was not restrained and constitutionally they did have a right to do what they did. It may have been unwise, it may have been altogether improper for other reasons, but they had the constitutional right and power to do what they did.

Mr. NORRIS. But the author of this book has selected that as an illustration.

Mr. SHORTRIDGE. I do not care anything about that.

Mr. NORRIS. The Senator from Montana has not selected the illustration. He is taking it from the book, the author of which is trying to demonstrate that we do not possess this power.

Mr. SHORTRIDGE. I want it always borne in mind that there is nothing in the written law, or indeed the unwritten law of Great Britain, which controlled the action of the House of Commons, whereas I must ever bear in mind that our power is a delegated power.

Mr. WALSH of Montana. I understand that perfectly well. The Senator always gets back to the proposition that there are three provisions in the Constitution describing the disqualifications. We understand that perfectly. I thought I had passed that. I was endeavoring to present, as fairly as I know how, the items on both sides of the question, and then

I said that considering the safety of our Government we ought to adopt the conclusion for which I contend.

Mr. SHORTRIDGE. I want, of course, to make it an indestructible Union. That is why I stand so firmly for the views I entertain.

Mr. WALSH of Montana. Yes; I understand, and I shall discuss that a little later.

Some of us will recall the case of Bradlaugh, the blatant atheist. He not only denied that the heavens declare the glory of God and the firmament showeth His handiwork, but he proclaimed it in season and out of season, if, indeed, there be a season for such preachment. He aired his peculiar conceptions incessantly, coarsely, blasphemously, to the serious offense of the God-loving people of Britain. He was expelled from the House of Commons, was reelected, and the Wilkes incident was repeated. It is said, however, that Wilkes having reached his popular favor in the Colonies, the framers of the Constitution, mindful of his fight, determined to deprive either House of the discretion in respect to the admission of Members exercised by the British House of Commons and to require it to admit any person, however lacking he might be in moral or intellectual fitness, or however patent might be his disloyalty to the Nation. If they had any such purpose they signally failed to express it. It would have been so easy, having said that no person shall be a Senator who has not arrived at the age of 30 years, been nine years a citizen of the United States, and who is not at the time of his election a resident of the State from which he is chosen, to add and "no other qualification shall be required," or to say, "Any person who is 30 years of age, who has been for nine years a citizen of the United States, and who at the time of his election is a resident of the State from which he is chosen is eligible to membership in the Senate." Other appropriate language might have been chosen.

The Constitution is itself sufficient evidence that the members of the convention by which it was framed were masters of English and adepts in the use of terse and appropriate language through which to express themselves. The idea must be rejected that they intended to prevent the exclusion of one whose loyalty was open to serious question or the lack of which had been demonstrated, or one notoriously wanting in integrity or any semblance of moral worth.

I recur to the contention that SMITH and VARE coming here with the formal certificates of election from the governors of their States, respectively, the Senate must admit them temporarily, and that they are entitled to all the privileges of membership until it is definitely decided by the Senate as to either that he has not been legally elected. As stated, such a certificate is the object of much panegyric. It is represented as a ponderous document of the highest probative value. In fact it is, in a contest at least, without any value whatever. It serves simply to cast the burden of proof upon the rival claimant not provided with it. Such a contest is governed by the rule of the preponderance of the evidence. If the evidence, exclusive of the certificate, favors the case of the contestant even to the extent of the twentieth part of our poor scruple, he gets the seat, the certificate can not overcome that paltry advantage, so weak it is.

In the Steck-Brookhart contest some claimed the preponderance of the evidence to be in favor of BROOKHART, others that the balance inclined to STECK, but no one supporting the claim of the former had the hardihood to assert that there was any value in the certificate issued to him, except to impose the burden of proof on STECK.

Mr. SHORTRIDGE. Mr. President, may I propound a question to the Senator right there?

The PRESIDING OFFICER. Does the Senator from Montana yield again to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. Of course, the certificate is presumed to speak the truth.

Mr. WALSH of Montana. Yes.

Mr. SHORTRIDGE. And, of course, we take official knowledge of the laws of the State, and I suppose we indulge in the presumption that official duty has been regularly performed.

Mr. WALSH of Montana. Exactly.

Mr. SHORTRIDGE. Therefore, a credential certificate bearing the signature of a governor, countersigned and bearing the signature of the secretary of state, is presumed to speak verity, supported by the presumptions which I have mentioned. Now, until there is an appropriate attack upon that fact, thus presumed to be a fact, is not the holder of that certificate entitled to the benefit of all the facts it recites, of which the ultimate fact——

Mr. WALSH of Montana. He is entitled to the benefit of the recital.

Mr. SHORTRIDGE. And the recital is that he has been duly elected, and being duly elected, it follows that he is entitled to enter upon the discharge of his duties.

Mr. WALSH of Montana. But my contention is that if some one comes in and controverts that situation, and a contest ensues and evidence is taken pro and con, the certificate does not amount to anything.

Mr. SHORTRIDGE. The Senator and I will agree that at a certain stage, if, when he has had the benefit of the recited facts and enters upon the office, he is inducted into the office in question, then, of course, an attack may be made upon that certificate.

Mr. WALSH of Montana. I shall presently come to the proposition that the Senate is not obliged to accept that as the sole and exclusive evidence.

Mr. SHORTRIDGE. I shall rely upon Stephen A. Douglas and a few other very eminent Democrats.

Mr. WALSH of Montana. Stephen was not regarded very highly as a lawyer.

Mr. SHORTRIDGE. He was, I think, a very great man.

Mr. WALSH of Montana. Yes; I agree with the Senator—a great statesman.

It has occurred to me as remarkable that the line of argument giving occasion to these remarks should have been made for the obvious purpose of exciting misgivings on the part of Members from the South in the hope that they would abandon their party associates in this momentous matter. Audacity could hardly go further than to make such an appeal to them. What measure of sanctity would be ascribed by any Member on this side of the aisle to the certificates of the governors of three Southern States reporting that the Hayes electors were chosen therein at the election of 1876? I address the inquiry in a special manner to the Senators from South Carolina, the Senators from Florida, and the Senators from Louisiana. If the certificate of FRANK L. SMITH is less tainted, it still comes from a governor, adjudicated by the courts of his State to be a defaulter to it to the tune of approximately a million dollars, and still elected, owing to a startling state of political morals in Illinois of which the report of the Reed committee gives us some inkling. The certificate presented by Mr. VARE comes from a governor elected through an unholy alliance between the VARE and the Mellon factions, each of which charged in the primary campaign that the other was out to corrupt the electorate and steal the election, each meanwhile spending such stupendous sums as to arouse the Nation.

Enough about the certificate extolled as being of such surpassing consequence.

Mr. SHORTRIDGE. May I ask the Senator a question?

Mr. WALSH of Montana. Certainly.

Mr. SHORTRIDGE. Does the Senator attach no importance to the word in the Constitution, namely, the word "judge"; that we must judge?

Mr. WALSH of Montana. I am going to talk about that.

Mr. SHORTRIDGE. I hope so. We must judge here; we can not think of other things.

Mr. WALSH of Montana. I have not failed to reflect upon these matters.

Mr. SHORTRIDGE. I also have devoted some time and thought to them.

Mr. WALSH of Montana. The real question is as to whether the Senate must admit the man in whose behalf it is issued. If the Senate must admit him then it is not the judge, provisionally, of his election, but the governor of the State from which he comes is. By what language of the Constitution is any such power conferred upon the governor? It is conceded that the Senate is the judge of whether, being legally elected, he shall occupy a place permanently—that is, for the term—in this body; but by some strange course of reasoning it is contended that, pending an inquiry into the validity of his election, whatever proof may be at hand, however compelling may be the evidence before the Senate, he must be admitted.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator another question; and it will be the last?

Mr. WALSH of Montana. Bear in mind that I court interruptions.

Mr. SHORTRIDGE. If I recall his words, the Senator asked, "Where is the power granting to the governor the right to certify?"

Mr. WALSH of Montana. No; the right to decide that this man has been elected.

Mr. SHORTRIDGE. Must we not bear in mind that the Congress under the Constitution did not create the State; it did not create the governor, but the States created us, so to speak? They, the States, had the inherent original right and power to send delegates to a Congress. They limited their inherent original power or right, but we did not create the States or create

their power. They had it; they claimed to be sovereign; and they never surrendered their sovereignty save to a limited degree in respect to this matter, namely, the sending of their delegates.

They limited themselves by saying, "We will only choose those who are, in the case of Members of the House of Representatives, 25 years of age, seven years a citizen, and an inhabitant of the State, and as to the Senate, 30 years of age, nine years a citizen, and an inhabitant of the State; but the power to choose them was an inherent original power in the original thirteen States. Wherefore I claim that they had the power——

Mr. WALSH of Montana. The power to choose them was not original; it was conferred by the Constitution.

Mr. SHORTRIDGE. I do not agree with the Senator as a legal or constitutional question.

Mr. WALSH of Montana. I am simply dealing with the language of the Constitution.

Mr. SHORTRIDGE. Very well.

Mr. REED of Missouri. And the decisions of the court are to the same effect.

Mr. SHORTRIDGE. The dogmatic announcements often heard uttered by the Senator from Missouri do not quite end the discussion.

Mr. REED of Missouri. If the Senator will pardon me, I did not mean to be dogmatic; I merely suggested that the courts have decided the same way, and I will undertake to call the Senator's attention to the language of the law writers at the proper time.

Mr. SHORTRIDGE. There are many decisions and many discussions of the law writers that hold that the right to be represented in the Congress as set up by the Constitution was a right inherent in the States, and that they have never surrendered that right except to the limited degree agreed upon by them all.

Mr. WALSH of Montana. Does the Senator mean by that that the right existed prior to the Constitution?

Mr. SHORTRIDGE. I mean it in the sense that there was a union among the States operating under the Articles of Confederation. Under those articles we waged the Revolutionary War. Nobody questioned the right of Virginia, or of New York, or of Pennsylvania to send delegates to the Congress organized and operating under the Articles of Confederation.

Mr. WALSH of Montana. But the Articles of Confederation themselves provided for such representation.

Mr. SHORTRIDGE. I grant that; but it was a right which the States asserted, and they did not claim the right by virtue of any of the Articles of Confederation.

Mr. BAYARD. Mr. President, may I suggest to the Senator from California that the provisional Congress operated for a number of years before the Articles of Confederation were ever adopted.

Mr. SHORTRIDGE. Certainly.

Mr. BAYARD. Then it could not have operated under those articles, could it?

Mr. SHORTRIDGE. I was speaking of the Congress which operated under the Articles of Confederation.

Mr. BAYARD. But some Congress operated long before as well as during that period, and that prior Congress had nothing to do with the Articles of Confederation, so far as this particular suggestion is concerned, that is being discussed here to-day.

Mr. SHORTRIDGE. That is quite true, but in the earlier Congress—we will call it the Colonial Congress—did anybody in New York question the right of Virginia to send Delegates?

Mr. BAYARD. I do not know that they did before or afterwards; but that is not the point; they were operating as a continuing body, notwithstanding the later adoption of the Articles of Confederation. So that contention has nothing whatever to do with the question before the Senate.

Mr. SHORTRIDGE. Perhaps it has not, but I think it has very great importance as a background to be considered in determining and construing the language found in Article I, section 3.

Mr. WALSH of Montana. Mr. President, whatever the view of the Senator may be, my own is that the Constitution of the United States grants to the States the right to send Representatives to both bodies of Congress.

I repeat it is conceded that the Senate is the judge of whether being legally elected he shall occupy a place permanently, that is, for the term, in this body, but by some strange course of reasoning it is contended that pending an inquiry into the validity of his election, whatever proof may be at hand, however compelling may be the evidence before the Senate, he must be admitted. It needs no argument that any such theory is in derogation of the powers conferred and the duty devolved upon the Senate by the Constitution. "Each House," that immortal document declares, "shall be the judge of the elections, returns, and qualifications of its Members." What is it to be a judge? Does it not imply the weighing of evidence? There being no contest, the certificate of the governor is sufficient evidence of the election of the person recited therein to have been elected. There being no countervailing evidence the Senate finds him to have been elected and admits him. Every time a man comes here with a certificate the Senate judges whether he is elected or not. It determines the matter provisionally.

Mr. SHORTRIDGE. But in this instance there is no contest pending.

Mr. WALSH of Montana. No; but there is evidence here just the same. It judges of his election. And even if there is a contest or protest, supported by ex parte affidavits, as is usually the case, the Senate may, and ordinarily one may say does, decline to regard such as proof and admits provisionally the claimant bearing the official certificate of election.

It is because in the great majority of cases—one might almost say that invariably heretofore it has been the case—no valid and competent proof to the contrary was before the Senate, and the claimant so armed was provisionally admitted, that the notion has prevailed, and is now somewhat spectacularly proclaimed by Mr. SMITH, that the Senate is under some kind of constitutional compulsion to admit him. It would abrogate its rights and fail in its duty if, having before it perfectly competent evidence to the contrary, it should admit to membership, even for a day, a claimant presenting himself with nothing more than a formal certificate of election. That the report of a committee of the Senate, based upon evidence taken by it under the direction of the Senate at hearings at which the claimant testified, of which he had notice and an opportunity to submit his proof, may be and should be considered by the Senate in determining whether Mr. SMITH should be provisionally seated is, as I think, indisputable. If in the judgment of the Senate the evidence so taken warrants his eventual exclusion either upon the grounds that he is disqualified or was not legally elected, it would be false to its trust to admit him provisionally.

To test the theory advanced that no proof is admissible to overcome the effect of the certificate of the governor in connection with the provisional admission of a claimant favored with it, let it be assumed that it has been determined upon indubitable evidence by the courts of the State from which he comes, in a contest over a State office, that the election relied upon was so tainted with fraud and corruption as to render it invalid, and that the candidate claiming to be elected Senator, realizing the importance of the contest as it affected his chances of obtaining the object of his ambition, had actually participated through counsel in the contest. Would anyone say that the Senate must shut its eyes to the adjudication so made and the proof so taken and give him a seat in this body, to be occupied possibly for a period equal to that for which Newberry was accorded membership in this body? I should like to address that question now to the Senator from California.

Mr. SHORTRIDGE. Does the Senator desire an immediate answer?

Mr. WALSH of Montana. As promptly as the Senator can give it.

Mr. SHORTRIDGE. A little later I hope to answer that proposition.

Mr. ROBINSON of Arkansas. I suggest that the Senator answer it now.

Mr. SHORTRIDGE. Well, I hold to the theory that when a certificate, we will say for brevity a credential, is presented to the Senate bearing the name of the governor of the State—and we can take judicial notice of the fact that he is governor—and also bearing the name of the secretary of state—and we can take official or judicial notice of that fact—and the certificate is in proper form and substance, my position is that he is entitled to enter upon his duties.

Mr. WALSH of Montana. I understand that perfectly, but that is not the question.

Mr. SHORTRIDGE. Wait a moment. Even though there has been testimony aliunde the record before the committee or whatnot, there being no contest pending as against the certificate, my answer is that he is entitled to the full benefit of that certificate and entitled to be sworn in. Then, if the facts which the Senator suggests in the question be properly proved, properly established, of course the Senate would take appropriate action. To answer otherwise, I think, is to deny to the State its right to be heard through accredited representatives sent by it. I draw a great distinction between the man and the official. Moreover, further answering the question, it is not the rights of the man that concern me, not the individual rights of the man, though he has certain rights; but I contend that

any other position than that I have thus stated means this, that the informed, deliberate, official act of the State is reversed by this body before that State has a voice in the premises.

Mr. WALSH of Montana. But I addressed a categorical question to the Senator and he has not categorically answered it; he has merely declared his general attitude upon the whole subject. I ask him to assume that in the State of Montana an election was held at which a Senator was chosen as well as State officers; that a challenge was made of the validity of the election of a certain State officer in the State of Montana; that a trial was had in the court; that the man who claimed to have been elected Senator and who received the certificate was concerned about it and hired counsel who appeared in that lawsuit; that in that lawsuit it was determined that the whole election was so tainted with fraud that no man on the ticket was elected; that case went to the Supreme Court of the State of Montana and was affirmed there; that he came here with a certificate, and that the Senate had information concerning the proceedings out there, and the judgment of the court and the character of the evidence that was adduced. In that state of affairs I want to know what the Senate would do, whether it would exclude him or whether it would seat him and leave him here three years, as it did in the case of Newberry?

Mr. SHORTRIDGE. I will answer that categorically. Assuming all those facts to be as stated, if, after they were admitted to be facts, the Governor of the great State of Montana should certify that this man had been regularly elected by the people of that State to represent them in this body for a period of six years, commencing on such and such a day, and the man should present himself here, I answer, he would be entitled to take the oath and be inducted into the office; and then we could take up the matters to which the Senator refers, and take appropriate action.

Mr. WALSH of Montana. In my judgment, the Senate would simply abrogate its duty under the Constitution if it were to take any such course.

Mr. SHORTRIDGE. Of course, I think that if we deny his right and the State's right to have him sworn, we are simply repudiating the Constitution.

Mr. WALSH of Montana. That brings me to another plaint in behalf of VARE and SMITH. The States from which they come, it is said, are denied their equal representation in the Senate, and reference is made to Article V of the Constitution in relation to amendments. That provision refers only to a proceeding by which a State would be deprived by constitutional amendment of its equal representation. The applicable provision of the Constitution is section 3, Article I, amended by the seventeenth amendment, declaring that the Senate shall consist of two Senators from each State, meaning that each State is entitled to elect two Senators—two qualified Senators—and the Senate is made the judge as to whether a particular State did, in fact, legally elect a Senator, and whether he is qualified.

Mr. SHORTRIDGE. The power of the Senate to decide that point is no greater than it was before to decide whether the legislature legally elected a given man.

Mr. WALSH of Montana. Oh, certainly not. It does not make any difference how he is legally elected.

Mr. SHORTRIDGE. Whether by the legislature or by the people.

Mr. WALSH of Montana. No; the duty devolves upon the Senate to determine whether he has been legally elected.

Mr. SHORTRIDGE. Undoubtedly so.

Mr. WALSH of Montana. And also whether he is qualified. The Senate is the judge under the Constitution.

Mr. SHORTRIDGE. The question is, What are his qualifications?

Mr. WALSH of Montana. The State is no more represented in the Senate by one not legally elected than if the seat were vacant. Newberry sat here for three years before, by the narrow margin of four votes, it was decided by the Senate in the spring of 1922 that he had been legally elected; but, reading the handwriting on the wall after the election in the fall of that year, he promptly resigned. Can anyone say that while here he represented the State of Michigan?

Mr. SHORTRIDGE. Mr. President, the Senator and I tried to keep Senator BROOKHART here.

Mr. WALSH of Montana. Exactly. We thought that he was legally elected.

Mr. SHORTRIDGE. I did.

Mr. WALSH of Montana. Yes. Can anyone say that while here Newberry represented the State of Michigan?

Mr. SHORTRIDGE. Will the Senator pardon me? Then I will not interrupt again.

Mr. WALSH of Montana. Yes.

Mr. SHORTRIDGE. But apply that same question to our friend here from Iowa.

Mr. WALSH of Montana. Very well.

Mr. SHORTRIDGE. Senator BROOKHART came here with credentials from that State.

Mr. WALSH of Montana. Exactly.

Mr. SHORTRIDGE. He was sworn in.

Mr. WALSH of Montana. Yes; and there was no evidence before the Senate to the contrary.

Mr. SHORTRIDGE. No; but wait a moment. He sat here for a year or two.

Mr. WALSH of Montana. Exactly.

Mr. SHORTRIDGE. And the Senate then determined that he was not properly elected.

Mr. WALSH of Montana. Exactly; so the Senate determined that he was not representing the State of Iowa.

Mr. SHORTRIDGE. Ah, but I think he was, during that period, representing the State.

Mr. WALSH of Montana. How could he be if he was not legally elected?

Mr. SHORTRIDGE. That is a mere quibble on words. The acts of a judge on the bench, appointed, but not yet confirmed, are legal acts.

Mr. REED of Missouri. That is because of the necessities of the case, not because it is right.

Mr. SHORTRIDGE. It may be so, and I do not approve of it myself. I do not think a man should sit on the bench until he is confirmed.

Mr. WALSH of Montana. The difficulty about that is that we are made the judges of senatorial elections, and the judges are not made the judges of their designation.

Mr. SHORTRIDGE. But if Newberry, for example, did not in part represent during that period the State of Michigan, then the Senator's argument, of course, goes to the point that Senator BROOKHART did not represent Iowa.

Mr. WALSH of Montana. Certainly; I agree with the Senator. The Senate, by excluding him, said, "You do not represent the people of Iowa. You have no business here."

Mr. SHORTRIDGE. Meantime he did vote.

Mr. WALSH of Montana. Oh, yes; he did vote, no doubt. That is the trouble about the thing. That is the point I am making. You allow a man to come in here who has no right to come in here, and you let him vote for two or three years.

Mr. SHORTRIDGE. You can not tell anything about that argument until you test the legal principle.

Mr. WALSH of Montana. I inquire again, Can any one say that while he was here Newberry represented the State of Michigan? So pronounced was the revulsion of feeling in that great State at the methods by which he gained an apparent right to membership in this body that for the first time since Lewis Cass quit public life in the fifties of the last century, 75 years ago, if I have my history aright, it sent a Democratic Senator here in the person of our revered colleague, Senator FERRIS, and then it sent another great Senator who, though nominally a Republican, has been a thorn in the side of the Republican organization that backed Newberry ever since he joined us, but of whom it may be said without flattery that there is no more industrious, independent, or useful Member of the Senate.

Who is there that can say the State of Illinois is being denied representation in this body because FRANK L. SMITH is not permitted to participate in its deliberations or vote on measures before it? If the State of Illinois permits its elections to be so conducted as to throw serious doubt upon the title of one claiming to be elected as Senator, how may it justly complain if he is denied admittance until it can be ascertained whether he has or has not been legally elected?

If he should be seated, and it should eventually be determined that he was not legally elected, my State and yours, every State in the Union, every citizen thereof, and the stranger within our gates, would be bound by legislation which, perchance, but for his influence and vote, would never have been enacted. It is not too much to say that the course of our history was profoundly affected by the votes of Newberry while he was here. The Senate acted within its rights and powers, and, as I think, wisely and justly, in denying SMITH a seat provisionally among us, and should proceed to judgment upon his ultimate right to membership in this body mindful of its honor and splendid traditions.

Before closing, I am moved to advert to a theory of our Government advanced in the course of the debate yesterday that ought not to go unchallenged. It was boldly asserted that however tainted with corruption the nomination of a candidate for the Senate may be, though it be established that it was procured by open and revolting bribery, the facts being published

during the campaign, and thus brought to the notice of the electors of the State, who nevertheless give him a plurality of the votes cast, his election is unimpeachable and he must be seated; that to reject him is to impair a sacred right of his State. The fact that he is a confessed or proven bribe giver is of no consequence in the view of the Senator who maintains that neither that nor any other villainy disqualifies him for membership here, and the fact that wholesale bribery in his interest characterized the primary is of no consequence, since only the ultimate election counts. It follows, though it was not so stated, that it is equally without importance that his transgressions were not generally known to the people of the State before they voted for him.

The proposition thus advanced scarcely requires refutation. Baldly stated, as it was on this floor, it is too shocking for acceptance.

In the opinion of Chief Justice White in the Newberry case, contending for the right of Congress to legislate in relation to primaries for the nomination of party candidates, he called attention to the practice which prevailed in some States, under the old system of electing Senators by vote of the legislatures, of nominating party candidates in conventions, the members of a legislature thus being persuaded to surrender their individual views and to vote for the party nominee; and to the extension of that practice until, under the Oregon system, a member of the legislature was under the strongest compulsion to vote for the candidate favored in the popular election. He referred to the fact that electors of President and Vice President invariably voted for the nominee of the party, and would be regarded as acting dishonorably, even traitorously in a party sense, if they did otherwise.

Mr. SHORTRIDGE. Presidential electors?

Mr. WALSH of Montana. Yes. In that connection he recalled that James Russell Lowell, a Republican elector of the State of Massachusetts, was strongly importuned, following the election of 1876, to rebuke the scandalous proceedings by which an apparent Republican majority in the Electoral College was secured, by voting for Tilden; but, eminent statesman and high-minded man that he was, he declined, asserting that custom had so sanctioned the change in our system, making electors mere automatons, that he could not honorably depart from it. And the learned justice argued that in like manner the influence of the nomination upon the voter was so compelling that fraud in procuring it might properly be regarded as vitiating the election or, at least, was so intimately associated with the making of the choice in the final election in respect to Members of Congress as that the purity of the nominating process might properly be safeguarded by national legislation. Pursuing this line of argument, he called attention to the fact that in quite a number of the States the election of the candidates of the dominant party invariably or almost invariably follows their nomination, so that the only contest therein occurs before the primary.

In a number of Southern States the strife is between Democratic candidates in the primary; in Illinois and Pennsylvania the real fight occurs in the Republican primaries. It is quite immaterial whether or not one accepts the view of Chief Justice White and his concurring associates that Congress may legislate concerning primaries at which candidates for Members of Congress are chosen. My own opinion is that his argument is irrefutable.

The Australian ballot system necessarily ties the primary to the ultimate election and makes them both equally a part of the machinery of the choice. But, whether the Congress may or may not legislate with respect to primaries, it can inquire, and ought to inquire, whether in any of the steps leading to the ultimate choice the claimant or his supporters have resorted to corruption, and to reject him if in its opinion he has, or the result has been materially affected by such villainy, the toleration of which means the death of free government.

What is the difference to the people of my State whether one claiming to be elected to the Senate from another secured his election by bribing his constituency in the primary or bribing them in the final election? Our peril from legislation in which he is a factor is as great in the one case as in the other. If Congress can not legislate to insure purity in primaries, there is all the more reason why the Senate should exclude a claimant whose election is tainted with fraud perpetrated in the primaries.

Mr. SHORTRIDGE obtained the floor.

Mr. CURTIS. Mr. President, with the consent of the Senator from California I desire to submit a unanimous-consent request that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow, and that we vote on the pending resolution not later than 5 o'clock to-morrow afternoon.

The PRESIDING OFFICER (Mr. STEIWER in the chair). Is there objection?

Mr. BRATTON. Mr. President, I do not care to object to the unanimous-consent agreement proposed. I desire to submit a few observations on the question; and the danger that we usually encounter in entering into such unanimous-consent agreements is that some Senator will address himself to another subject, and may consume all the time, thereby preventing certain Senators who want to address themselves to the subject before the Senate from doing so.

Mr. MOSES. Mr. President, does the Senator from New Mexico have in mind those speeches that have been made to-day in behalf of the Republican Party, and made on the other side of the Chamber?

Mr. BRATTON. I appreciate the subtlety of the remark of the Senator from New Hampshire, and it is characteristic of him.

Mr. CURTIS. We can cure that objection by limiting the speeches of Senators to the subject, and also in time.

Mr. WILLIS. Mr. President, what is the request of the Senator from Kansas?

Mr. CURTIS. The request is that the Senate, at the conclusion of its business to-day, take a recess until 12 o'clock to-morrow, and that we have a vote on the pending resolution at not later than 5 o'clock to-morrow evening.

Mr. WILLIS. Let me suggest to the Senator from Kansas that it is absolutely impossible for some of us to be here as late as 5 o'clock to-morrow, and we want to vote on this matter. Would not the Senator consider this proposition, to have the Senate meet at an earlier hour and then agree to vote at not later than 2.30? Some of us have to leave at 3.

Mr. SHORTRIDGE. At this time I object to any such arrangement.

Mr. WILLIS. There may be other objections. The Senator just files an objection without any consultation or discussion.

Mr. SHORTRIDGE. The proposition is such that I object to it at this moment.

Mr. WILLIS. Very well.

Mr. MOSES. Senators can fix any time they desire, as far as I am concerned, Mr. President, for voting to declare a seat vacant which has been empty since the 5th of December.

Mr. CURTIS. I submit my request.

The VICE PRESIDENT. Is there objection to the request?

Mr. BRUCE. I object. I do not want to have the discussion cut off yet a while.

Mr. WILLIS. Will not the Senator from Kansas submit a request that we shall agree to vote some time on the succeeding day?

Mr. NORRIS. I wish the Senator from Kansas would submit a request like that submitted before, but leaving out the fixing of the time for a vote. I think we will reach a vote before 5 o'clock, without any limit being fixed.

Mr. MOSES. The Senator means a unanimous-consent request merely to recess at the conclusion of to-day's session?

Mr. NORRIS. Yes; until 12 o'clock to-morrow.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow.

Mr. WILLIS. Mr. President, I am not going to object to that, but would not the Senator consider the convenience of some of us and make a request that a vote be had on the next day at 1 o'clock, say? Some of us have been pretty regular in our attendance on the sessions of the Senate, and we are greatly interested in taking a vote on this matter.

Mr. CURTIS. Quite a number of the Senators are in the same position the Senator from Ohio is in.

Mr. NORRIS. I would like to ask the Senator from Ohio if he means 1 o'clock day after to-morrow?

Mr. WILLIS. Yes.

Mr. NORRIS. I do not think there will be any question about our reaching a vote by to-morrow at 5 o'clock.

Mr. WILLIS. The trouble is that some of us can not be here without exceeding inconvenience after 3 o'clock to-morrow.

Mr. ROBINSON of Arkansas. There are some others of us who can not be here day after to-morrow. A number of Senators have indicated that they will not be in the Chamber day after to-morrow.

Mr. CURTIS. Let me change my request. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow.

Mr. WILLIS. That is good.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. Mr. President, I was going to suggest that the Senate go on to-night until 7 o'clock, and before that hour has arrived we can probably reach a definite understanding as to the time when the debate shall be concluded.

I am not going to object to the Senator's request, but there are Senators here who want to leave to-morrow, and I would like to give them an opportunity to vote. But there has been a conference called, I understand, for 10 o'clock to-morrow.

Mr. OVERMAN. Why can we not agree to vote on this question day after to-morrow at 12 o'clock, or at 1 o'clock?

Mr. MOSES. As to that, I would like to say that the Senator from Connecticut informs me that a large number of Senators are going to be out of the city on Friday and Saturday, at Norfolk, inspecting the new aircraft carrier. I am not one of them, I will say to the Senator from Missouri, who looks at me so reproachfully.

Mr. REED of Missouri. No; I look at the Senator admiringly, as I always do.

Mr. MOSES. I thank the Senator, and apologize for my strabismus.

Mr. BRUCE. Mr. President, as the Senator from Nebraska has suggested, I think the situation will take care of itself, but I for one am just a little dissatisfied with the way fixing a time for the close of discussion operates practically. All sorts of extraneous matters have been injected into the bowels of the debate going on to-day, and there is no assurance, if we fix some hour to-morrow, that Senators who desire to express their opinions upon the pending resolution will have an opportunity to do so. I think, as the Senator from Nebraska has suggested, that the situation will take care of itself.

Mr. SMITH. Mr. President, I want to suggest to the Senator from Maryland that by unanimous consent we can restrict the speeches to the subject matter, and committee meetings and other appointments for to-morrow can be postponed until the next day, and we can meet at 11 o'clock to-morrow.

Mr. BRUCE. The Senator from Arkansas has just suggested that there is going to be a Democratic conference to-morrow.

Mr. SMITH. I do not see why we may not postpone it until day after to-morrow.

Mr. CURTIS. Mr. President, has the Senator from Arkansas any objection to our meeting at 11 o'clock to-morrow?

Mr. ROBINSON of Arkansas. Mr. President, I announced some time ago, during the course of the debate, that a conference of Democrats has been called for 10.30 to-morrow morning. I expect that conference to be held. The debate, however, might proceed from 11 o'clock, as I do not wish to be put in the position of vacating the notice for the conference.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it recess until 11 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Missouri. Mr. President, I have not consulted the other Members, and if I speak contrary to their wishes they will make it known, but I want to give notice now, on behalf of the committee, that I shall ask the Senate to remain in session to-morrow until it has disposed of the Smith case.

I am going to make the further suggestion that, while the Senate should not vary its rule that there is a conclusive presumption that he who speaks is speaking to the question before the Senate, in view of the present situation I think Senators ought to forego their desire to speak on other subjects until this matter is disposed of. There is no way to enforce that, and I do not think we ought to enforce it, even by unanimous consent, but I do hope that it will be done. This matter has been debated at great length, and we all had expected it to be concluded to-day, but most of the day has been taken up by the discussion of foreign matter.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.), under the order previously entered, took a recess until to-morrow, Thursday, January 19, 1928, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 18 (legislative day of January 17), 1928

ASSISTANT SECRETARY OF THE TREASURY DEPARTMENT

Henry Herrick Bond, to be Assistant Secretary.

REGISTER OF THE TREASURY

Walter O. Woods to be register.

GENERAL COUNSEL, INTERNAL REVENUE SERVICE

Clarence M. Charest to be general counsel.

COLLECTOR OF INTERNAL REVENUE

Fred O. Goodell to be collector for the district of Arizona.

PUBLIC HEALTH SERVICE

To be assistant surgeon

Maurice A. Roe.

To be passed assistant surgeon

Carl E. Rice.

To be assistant surgeons

Ralph Horton.
Gerald M. Kunkel.
Edmund T. Lentz.
W. J. Bryan McAuliffe.
Albert S. Irving.
William W. Nesbit.
George D. Boone.
Leon O. Parker.
Bernard J. Macauley.
John R. Murdock.
Thomas C. Kienzle.
Leo J. Hand.
George R. Welch.
Clarence D. Kosar.
Joseph F. Van Ackeren.

To be senior surgeons

Samuel B. Grubbs.
Milton H. Foster.

To be surgeon

Lynne A. Fullerton

UNITED STATES CIRCUIT JUDGE

Augustus N. Hand to be United States circuit judge, second circuit.

UNITED STATES ATTORNEY

Harry B. Amey to be United States attorney, district of Vermont.

POSTMASTERS

IDAHO

Richard L. Baker, Ashton.
Florence V. Clark, Bellevue.
Elsie Harrell, Cambridge.
George W. Prout, Council.
Roy M. Parsons, Hagerman.
Wheeler W. Elledge, Lava Hot Springs.
James M. Shaw, Kooskia.
Elvira R. Denny, Leadore.
Fred V. Diers, Mackay.
Helga M. Cook, McCall.
Charles L. Edwards, McCammon.
Joseph Y. Haight, Oakley.
Mabel P. Wetherell, Post Falls.
Kenneth E. McBride, Salmon.
Oakley A. West, Weiser.

MINNESOTA

Martin Leet, Blackduck.
Carl Adams, Brainerd.
Norman W. Christensen, Cass Lake.
Jennie M. Payne, Goodridge.
Adolph C. Gilbertson, Ironton.
John Briffett, Lake Benton.
Jacob Gish, Le Sueur.
James H. Smullen, Lesueur Center.
John J. Ruff, Long Lake.
Lewis B. Krook, New Ulm.
Edwin H. Vollmer, Northfield.
Frederick F. Arndt, Prior Lake.
Emily F. Peake, Remer.
Frank L. Henderson, South St. Paul.
Julia H. Johnson, Windom.
Lambert L. H. Osberg, Winthrop.

PENNSYLVANIA

Stanley L. Bechtel, Bally.
Luther F. Gilbert, Boyertown.
Sarah E. Richey, Carmichaels.
Oscar W. Welsh, Douglassville.
Fred L. Webster, Emporium.
Arthur D. Garber, Florin.
Allen L. Shomo, Hamburg.
Gene M. Bisignani, Jessup.
Henry M. Stauffer, Leola.
Henry B. Haines, Maytown.
Phares S. Auxer, Mountville.
Naomi G. Hazell, Norwood Station.
Howard Sterner, Richlandtown.
Richard L. Harpel, Sinking Spring.
Peter L. Rohrer, Smoketown.
Charles F. Wenrich, Wernersville.
William Brice, jr., Bedford.
William B. Edmiston, Brownsville.
Nathaniel E. Lyons, Lake Lynn.
Samuel L. Rogers, Newell.
Raymond R. Strickler, Perryopolis.
Delos M. Graham, Starjunction.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 18, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Out of the depths of our needs and hopes we ask of our Heavenly Father wisdom and guidance. May we put into each day some definite value; and being pure in our purpose, strong in our contentions for the right, we shall justify our calling. With certainty may we understand that our visions for our country are only worth while when they are made permanent and serve our fellow men. In the interest of the common life may our faith be translated into worthy zeal. Do Thou help us to the ministry of a well-ordered life; let all our forces be well drilled, well disciplined, and bless us with an evangelizing influence of chaste and winsome characters. Power is only hallowed when it works to hallowed ends. We pray in the name of the world's Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNITED STATES COURT OF CUSTOMS APPEALS—REFERENCE OF BILL

Mr. VESTAL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. VESTAL. Mr. Speaker, I rise to ask unanimous consent that the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes, which was referred to the Committee on Patents, be rereferred to the Committee on the Judiciary, where I think it rightfully belongs.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill H. R. 6687, referred to the Committee on Patents, be rereferred to the Committee on the Judiciary. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the joint resolution (S. J. Res. 66) authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924, in which the concurrence of the House of Representatives was requested.

THE ASWELL FARM RELIEF BILL

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks briefly on the question of farm legislation.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his own remarks on farm legislation. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, I have introduced H. R. 9278, a farm relief bill without the equalization fee, in this form because I am very eager to see helpful farm legislation speedily enacted by the Seventieth Congress. The United States Attorney General in the last Congress advised the President that the equalization fee contained in the Haugen bill is unconstitutional and the President could not, if he would, without repudiating his Attorney General, sign a similar bill containing the equalization fee. This situation plainly reveals that if any legislation containing the equalization fee should be passed, even by both Houses, there would be no farm relief legislation in this Congress.

Those gentlemen in and out of the Congress who persist in demanding the equalization fee or nothing are assuming full responsibility for the failure of the Seventieth Congress to enact farm legislation. The attention of the country should be called to this outstanding fact now.

I have cleared away all other differences and sharply drawn the issue as to the equalization fee. First, the members of the committee, then the Congress, will have a chance to vote directly for or against the equalization fee.

House bill 9278 is a modification of the bill introduced by Mr. HAUGEN in this Congress. The substantial difference between my bill and the Haugen bill is that it, unlike the Haugen bill, does not provide for any equalization fee or Federal tax on the producers, but in lieu thereof provides for the payment from the Treasury through a revolving fund of losses, costs, and charges arising under marketing agreements, which revolving fund also receives the profits from the sale of commodities. A total appropriation for the revolving fund of $400,000,000 is authorized. Only $250,000,000, however, of this sum is made available for the payment of such losses, costs, and charges. The remaining $150,000,000 is made available for loans to cooperative associations only.

My bill is also applicable to all agricultural commodities, as the Haugen bill is. Like the Haugen bill, it also further provides—

1. For the appointment by the President, without restriction, of the Federal farm board created therein.

2. For the creation of commodity advisory councils to assure complete representation of commodities in respect of which the board may enter into marketing agreements.

3. For loans from the revolving fund to cooperative associations for (1) controlling a surplus of any agricultural commodity, and (2) for the acquisition of facilities for storage. Loans for the latter purpose outstanding at any time are limited to an aggregate amount of $25,000,000. The aggregate amount of loans, however, for both purposes is restricted to $150,000,000 instead of $400,000,000 as provided in the Haugen bill. All such loans are to bear interest at the rate of 4 per cent per annum.

4. For the registration of clearing house associations established by cooperative associations which are adapted to effect the orderly production, distribution, and marketing of perishable agricultural commodities and of terminal market associations established by cooperative associations which are adapted to maintain public markets in distribution centers for the more orderly distribution and marketing of perishable agricultural commodities.

5. For the making by the board of marketing agreements with cooperative associations (whenever the board finds that a surplus of an agricultural commodity exists) for the withholding or the purchase, withholding, and disposal of any part of the surplus. The losses, if any, are to be paid out of the revolving fund, and profits, if any, are to be paid into such fund.

If H. R. 9278 is enacted into law and a board of proper caliber is appointed there would likely be profits instead of losses in marketing the cotton, tobacco, and rice surpluses, but we may expect losses in handling the wheat surplus. The passage of this bill putting the Federal Government behind the plan would, in my opinion, make it unnecessary for operations to be declared on most commodities because the moral effect of the Government's power would maintain just and fair prices to the producers.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees.

NORTHERN JUDICIAL DISTRICT, OKLAHOMA

Mr. DYER (when the Committee on the Judiciary was called). Mr. Speaker, I call up the bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of said State.

The SPEAKER. The gentleman from Missouri calls up the bill H. R. 7011, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That Okfuskee County, of the northern judicial district of the State of Oklahoma, be, and the same is hereby, detached from the northern judicial district and attached to and made a part of the eastern judicial district of said State.

Mr. DYER. Mr. Speaker, this bill does one thing only, and that is to take a county out of one judicial district and put it in another district in the State of Oklahoma. The bill is recommended by the Attorney General, who said that its enactment into law will not only be for the convenience of the people having business in the courts but will save expense.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield to me?

Mr. DYER. Yes.

Mr. SUMNERS of Texas. Mr. Speaker, this bill was introduced by the gentleman from Oklahoma [Mr. MCKEOWN]. The gentleman from Oklahoma, his colleague [Mr. HOWARD], is interested in the proposed legislation, and would like a little time.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Speaker and gentlemen of the House, in the Sixty-eighth Congress I was the author of the measure creating the northern judicial district of Oklahoma. At that time we saw fit to include Okfuskee County in that district. We did so then because we thought it would bring into the district a kind of averaging up of the judicial business of that State, which is divided into three judicial

districts. However, congressional ethics persuade me that the gentleman from the fourth congressional district of Oklahoma, [Mr. McKEOWN] is better informed as to the convenience and the necessities of the people in his district as to court jurisdiction, location, traveling conditions, and so forth, than I, and has a right to speak for them, and while personally I should prefer that this county remain in the northern judicial district, for that reason I shall not ask the House to defeat the measure.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PUBLIC HIGHWAY OVER GOVERNMENT PROPERTY AT ALDERSON, W. VA.

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 9022) to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.

The SPEAKER. The gentleman from Missouri calls up the bill H. R. 9022. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, just what does this bill do to the Federal Government?

Mr. DYER. All that this bill does is to permit a right of way for a public highway across a certain Government reservation in the town of Alderson, W. Va.

Mr. BLANTON. Does it interfere with the Government's use of that property?

Mr. DYER. It does not.

Mr. BLANTON. Might it interfere with it in the future? Is there a recovery clause in the bill, whereby if it should interfere with the Government's use in the future the Government could get rid of this easement that it is proposed to grant?

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. SUMNERS of Texas. There is a provision in the bill which makes the whole grant revocable.

Mr. BLANTON. Then I shall not object, if that is the case.

Mr. DYER. The bill provides that it shall be entered into subject to and under such conditions and regulations as the Attorney General shall from time to time prescribe, and subject to revocation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and empowered to grant to the town of Alderson, W. Va., subject to and under such conditions and regulations as the Attorney General shall from time to time prescribe, and subject to revocation at such time as in his judgment the interests of the United States require it, the right to construct and maintain upon and across the eastern end of the premises occupied and used by and for the Federal Industrial Institution for Women at Alderson, W. Va., a public highway to connect the town of Alderson with the village of Glenray.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

APPROVAL OF MARSHALS' VOUCHERS

Mr. DYER. Mr. Speaker, I call up the bill H. R. 9051.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes," be, and the same hereby is, amended to read as follows:

"That the accounts of United States marshals, except the marshals of the United States courts in China and the Canal Zone, shall be rendered quarterly, under such regulations as may be prescribed by the Attorney General, and transmitted to the Attorney General within 20 days after the close of each quarter. The said accounts shall be rendered in duplicate, but no signature shall be required on the duplicate vouchers. It shall be the duty of the marshal to retain in his office the duplicate accounts, where they shall be open to public inspection at all times. The accounts of United States commissioners shall be rendered quarterly, in duplicate, under such regulations as may be prescribed by the Attorney General, and transmitted to the clerk of the United States district court for the district in which the commissioner resides, who shall file the duplicate in his office and transmit the original to the Attorney General. The approval of the court as to the accounts of marshals and commissioners shall not be required."

SEC. 2. This act shall take effect on July 1, 1928.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. BLANTON. What is the necessity for changing the present law so as to permit the accounts to be rendered quarterly?

Mr. DYER. I will say to the gentleman that is in order to facilitate speedy settlements. Monthly returns are unnecessary. I send to the Clerk's desk a letter on that point and ask that it be read.

Mr. BLANTON. Is there a good reason for it?

Mr. DYER. Yes. It is recommended by the Comptroller General and by the Attorney General.

Mr. BLANTON. There is one feature of this bill that I am sure ought not to appeal to the gentleman from Missouri [Mr. DYER], and that is the clause next to the last, which provides that the approval of the judge shall not be necessary. That is a dangerous practice to establish with respect to the accounts of court officers.

I want to say to my friend that I remember distinctly that with respect to the account of a sheriff whom I considered honest, who waited on one of the courts in one of the counties where I held court, had mileage charged up in 17 different criminal cases for serving processes which he served on one man on one trip at one time, and under the law he was allowed mileage in only one case, whereas he had charged for 17 cases, because it happened that the process was in 17 cases, which process he served on one man at one time. If it had not been for the law which required the approval of the court, that sheriff would have collected 17 times the mileage that the law allowed.

Mr. LAGUARDIA. I will say to the gentleman that when the original law was enacted we had no Comptroller General, so that now the approval of the court is only perfunctory and the account goes to the Comptroller General.

Mr. BLANTON. He is merely an additional check. It is not for the Comptroller General to send his inspectors to each of the 48 States to find out whether these accounts are correct and straight or not. It is the primary duty of the court to find that out. When a marshal sends up here charges for 17 trips the Comptroller General does not know and can not tell from the papers that he has made only one trip.

Mr. LAGUARDIA. The Comptroller General in a certain case sent out vouchers showing that a sheriff took a trolley car, and 17 cents were saved thereby.

Mr. BLANTON. I know; but the judges ought to approve these accounts for our marshals. If we keep on, we are going to have a Comptroller General's office with a plant so big that the old Pension Bureau down here will not hold it. The Pension Bureau is full now of officials in the comptroller's office. Do you want to enlarge that tremendous building every year?

Mr. LAGUARDIA. The Comptroller General has the facilities to check up all these vouchers.

Mr. BLANTON. No; he can simply O. K. them as a matter of course. In behalf of the taxpayers and in behalf of having honest and just accounts rendered by the various marshals of the United States, I am wondering whether my friend from Missouri might not have that clause stricken out. As it stands it would prevent the courts from approving the accounts. It ought to go out and the law stand as it is now.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. There may be a lot of force in what the gentleman from Texas [Mr. BLANTON] says. The comptroller can not well go behind the face of the papers. He can not act upon anything except what appears on the face of the papers, and it is folly to think that he can check up the papers in the way it has been suggested here.

Mr. BLANTON. I will offer an amendment to strike out that paragraph.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. DYER. I yield to the gentlemen from Texas to offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 10, after the word "General," strike out the following: "The approval of the court as to the accounts of marshals and commissioners shall not be required."

Mr. BLANTON. Since the chairman of the Committee on the Judiciary is willing that an amendment be offered and my friend from Michigan [Mr. CRAMTON] believes the amendment is good I do not desire to occupy further time.

Mr. LAGUARDIA rose.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. DYER. Yes.

Mr. LAGUARDIA. In a letter from the Attorney General he says the Comptroller General states that this requirement should be abolished and urges legislation to that end.

Mr. BLANTON. I want to say to my friend from New York this: That I know exactly how these accounts are prepared by these marshals. They are prepared just exactly like the accounts of sheriffs. On the face of them there is no one in Washington, 2,000 miles away, who could tell to save his soul whether the items are just or not. Usually the gentleman from New York is in favor of salutary provisions in the law to protect the people's Treasury.

Mr. LAGUARDIA. I think this will expedite the procedure and produce the very end that the gentleman from Texas and I are trying to achieve.

Mr. BLANTON. Oh, the Comptroller General's office is created for an entirely different purpose.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. BLANTON. Mr. Speaker, I call for a division.

The SPEAKER. The gentleman from Texas demands a division.

The House divided; and there were—ayes 18, noes 39.

Mr. BLANTON. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The doors were closed.

The question was taken; and there were—yeas 154, nays 192, not voting 87, as follows:

[Roll No. 14]

YEAS—154

Abernethy	Davey	Jacobstein	Peavey
Allgood	Davis	Jeffers	Pou
Arnold	Dickinson, Mo.	Johnson, Okla.	Prall
Auf der Heide	Dickstein	Johnson, Tex.	Quayle
Ayres	Doughton	Jones	Quin
Bankhead	Douglass, Mass.	Kemp	Ragon
Beck, Wis.	Doyle	Kent	Rainey
Berger	Drane	Kincheloe	Rankin
Black, N. Y.	Drewry	Kvale	Rayburn
Blanton	Driver	Lanham	Reed, Ark.
Bohn	Edwards	Lankford	Romjue
Box	Eslick	Lindsay	Rubey
Boylan	Evans, Calif.	Lowrey	Rutherford
Brand, Ga.	Evans, Mont.	Lozier	Sanders, Tex.
Briggs	Fitzpatrick	McClintic	Schafer
Browning	Fletcher	McKeown	Schneider
Buchanan	Frear	McMillan	Sears, Fla.
Bulwinkle	Fulbright	McReynolds	Simmons
Busby	Fulmer	McSwain	Steagall
Byrns	Gambrill	McSweeney	Steele
Cannon	Gardner, Ind.	Major, Ill.	Stevenson
Carew	Garrett, Tenn.	Mansfield	Sullivan
Carley	Gasque	Mapes	Swank
Carss	Gilbert	Martin, La.	Tarver
Carter	Goldsborough	Milligan	Taylor, Colo.
Cartwright	Gregory	Moore, Ky.	Taylor, Tenn.
Casey	Green, Fla.	Moorman	Thatcher
Chapman	Greenwood	Morrow	Underwood
Cohen	Griffin	Nelson, Mo.	Vinson, Ga.
Collier	Hammer	Nelson, Wis.	Vinson, Ky.
Collins	Hare	Norton, Nebr.	Whitehead
Connery	Hastings	Norton, N. J.	Whittington
Cooper, Wis.	Hill, Ala.	O'Brien	Williams, Mo.
Corning	Hill, Wash.	O'Connell	Williams, Tex.
Cox	Hooper	O'Connor, La.	Williamson
Cramton	Howard, Nebr.	Oldfield	Wright
Crisp	Howard, Okla.	Oliver, Ala.	Yon
Crosser	Huddleston	Palmisano	
Cullen	Hull, Tenn.	Parks	

NAYS—192

Ackerman	Bowles	Clarke	Dominick
Adkins	Bowling	Cochran, Mo.	Doutrich
Aldrich	Bowman	Cochran, Pa.	Dowell
Allen	Brand, Ohio	Cole, Iowa	Dyer
Almon	Brigham	Colton	Eaton
Andresen	Browne	Combs	Elliott
Andrew	Buckbee	Connolly, Pa.	England
Arentz	Burtness	Cooper, Ohio	Englebright
Bacharach	Burton	Crail	Estep
Bachmann	Bushong	Crowther	Faust
Bacon	Campbell	Dallinger	Fenn
Barbour	Celler	Darrow	Fish
Black, Tex.	Chalmers	Davenport	Fisher
Bland	Christopherson	Denison	Fitzgerald, W. T.
Bloom	Clague	Dickinson, Iowa	Fort
Freeman	Johnson, Ind.	Moore, Ohio	Strong, Pa.
French	Johnson, Wash.	Moore, Va.	Summers, Wash.
Frothingham	Kading	Murphy	Sumners, Tex.
Furlow	Kahn	Nelson, Me.	Swick
Garber	Kearns	Newton	Swing
Garner, Tex.	Kelly	Niedringhaus	Tatgenhorst
Gibson	Ketcham	Peery	Temple
Gifford	King	Perkins	Thurston
Glynn	Knutson	Pratt	Tillman
Goodwin	Kopp	Purnell	Tilson
Green, Iowa	Korell	Ramseyer	Timberlake
Griest	Kurtz	Ransley	Treadway
Guyer	LaGuardia	Rathbone	Underhill
Hadley	Langley	Reece	Updike
Hale	Leavitt	Reed, N. Y.	Vestal
Hall, Ill.	Lehlbach	Reid, Ill.	Vincent, Mich.
Hall, Ind.	Letts	Robinson, Iowa.	Wainwright
Hall, N. Dak.	Luce	Robsion, Ky.	Ware
Hancock	McDuffie	Rogers	Wason
Harrison	McLaughlin	Sears, Nebr.	Watres
Hawley	McLeod	Seger	Watson
Hersey	Maas	Selvig	Weaver
Hickey	Magrady	Shallenberger	Welch, Calif.
Hoch	Major, Mo.	Shreve	Welsh, Pa.
Hoffman	Manlove	Sinnott	White, Kans.
Hogg	Martin, Mass.	Smith	White, Me.
Holaday	Menges	Snell	Williams, Ill.
Hope	Merritt	Somers, N. Y.	Wolverton
Hudson	Michaelson	Speaks	Wood
Hughes	Michener	Spearing	Woodruff
Hull, Morton D.	Miller	Sproul, Ill.	Woodrum
Jenkins	Monast	Sproul, Kans.	Wurzbach
Johnson, Ill.	Montague	Stobbs	Zihlman

NOT VOTING—87

Anthony	Foss	Lea	Sandlin
Aswell	Free	Leatherwood	Sinclair
Beck, Pa.	Gallivan	Leech	Sirovich
Beedy	Garrett, Tex.	Linthicum	Stalker
Beers	Golder	Lyon	Stedman
Begg	Graham	McFadden	Strong, Kans.
Bell	Hardy	MacGregor	Strother
Boies	Haugen	Madden	Sweet
Britten	Houston, Del.	Mead	Taber
Burdick	Hudspeth	Mooney	Thompson
Butler	Hull, Wm. E.	Moore, N. J.	Tinkham
Canfield	Igoe	Morehead	Tucker
Chase	Irwin	Morgan	Warren
Chindblom	James	Morin	Weller
Clancy	Johnson, S. Dak.	O'Connor, N. Y.	White, Colo.
Connally, Tex.	Kendall	Oliver, N. Y.	Wilson, La.
Curry	Kerr	Palmer	Wilson, Miss.
Deal	Kiess	Parker	Wingo
Dempsey	Kindred	Porter	Winter
De Rouen	Kunz	Rowbottom	Wyant
Douglas, Ariz.	Lampert	Sabath	Yates
Fitzgerald, Roy G.	Larsen	Sanders, N. Y.	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Canfield (for) with Mr. Graham (against).

Until further notice:

Mr. McFadden with Mr. Deal.
Mr. Begg with Mr. Sabath.
Mr. Porter with Mr. Lyon.
Mr. Chindblom with Mr. Kindred.
Mr. Madden with Mr. Warren.
Mr. Butler with Mr. Bell.
Mr. Sweet with Mr. Gallivan.
Mr. Free with Mr. Hudspeth.
Mr. Taber with Mr. White of Colorado.
Mr. Chase with Mr. Moore of New Jersey.
Mr. Johnson of South Dakota with Mr. O'Connor of New York.
Mr. Kiess with Mr. Larsen.
Mr. Wyant with Mr. Griffin.
Mr. Palmer with Mr. Wilson of Mississippi.
Mr. Beedy with Mr. Morehead.
Mr. Leech with Mr. Tucker.
Mr. Beck of Pennsylvania with Mr. Sandlin.
Mr. Kendall with Mr. Aswell.
Mr. Yates with Mr. Igoe.
Mr. Stalker with Mr. Lea.
Mr. Foss with Mr. Oliver of New York.
Mr. Dempsey with Mr. Wingo.
Mr. MacGregor with Mr. Stedman.
Mr. Rowbottom with Mr. De Rouen.
Mr. Thompson with Mr. Kerr.
Mr. Britten with Mr. Connally of Texas.
Mr. Anthony with Mr. Douglas of Arizona.
Mr. Parker with Mr. Wilson of Louisiana.
Mr. Burdick with Mr. Garrett of Texas.
Mr. Sinclair with Mr. Weller.
Mr. Curry with Mr. Kunz.
Mr. James with Mr. Mooney.
Mr. Lampert with Mr. Linthicum.
Mr. Leatherwood with Mr. Mead.
Mr. Tinkham with Mr. Sirovich.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I call up H. R. 9049, a bill to amend section 227 of the Judicial Code.

The SPEAKER. The gentleman from Missouri calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. BLANTON. Mr. Speaker, before that consent is granted, will the Chair have the bill reported so we may know what it is?

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 227 of the Judicial Code be, and the same is hereby, amended to read as follows:

"SEC. 227. The reports provided for in section 225 shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court reports as follows: To the President, the Justices of the Supreme Court, the judges of the Court of Customs Appeals, the judges of the Circuit Court of Appeals, the judges of the district courts, the judges of the Court of Claims, the justices of the Customs Court, and judges of the Court of Appeals, and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the United States Court for China, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each of the executive departments, the Assistant Postmaster General, the Secretary of the Senate for use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives; the office of the Legislative Counsel, Senate branch; the office of the Legislative Counsel, House branch; the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Comptroller General of the United States, the Assistant Comptroller General, the Comptroller of the Currency, the Director of the Budget, the Assistant Director of the Budget, the Commissioner of Internal Revenue, the Director of the Mint, the Solicitor of the General Accounting Office, each of the chiefs of divisions in the General Accounting Office, the counsel of the Bureau of the Budget, the Judge Advocate General of the Army; the Chief of Finance, War Department; the Judge Advocate General, Navy Department; the Paymaster General, Navy Department; the Commissioner of Indian Affairs, the Commissioner of the General Land Office, the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Navigation, the Commissioner General of Immigration, the Director of the Geological Survey, the Director of the Census, the Forester and Chief of Forest Service, Department of Agriculture; the purchasing agent, Post Office Department; the Federal Trade Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the United States attorney for the District of Columbia; the chairman, United States Shipping Board; the Naval Academy at Annapolis, Md.; the Military Academy at West Point, N. Y.; and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each one copy; to the Interstate Commerce Commission, 16 copies; to the law library of the Supreme Court, 25 copies; to the law library of the Department of the Interior, 2 copies; to the law library of the Department of Justice, 5 copies; to the law library of the Judge Advocate General of the Army, 2 copies; to the Secretary of the Senate for the use of committees of the Senate, 30 copies; to the Clerk of the House of Representatives for the use of the committees of the House, 35 copies; to the marshal of the Supreme Court as custodian of the public property used by the court for the use of the justices thereof in the conference room, robing room, and court room, 6 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, 7 copies; to the Secretary of War for military headquarters which now exercise or may hereafter exercise general court-martial jurisdiction, such number, not to exceed in time of peace 25 copies, as the Secretary of War may from time to time specify; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, 1 copy.

"The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; to each United States judge and to each United States district attorney who has not received a set; to each of the places where district courts are now held to which reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them: *Provided*, That this act shall not be construed so as to require that reports and digests printed prior to the date of approval of this act shall be furnished to the Secretary of War for military headquarters.

"No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed.

"The clerks of courts (except the Supreme Court) shall in all cases keep the said reports and digests for the use of the courts and of the officers thereof. Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office.

"The Public Printer shall turn over to the Attorney General, upon request, such reports as he may require in order to make the distribution authorized to be made by the Attorney General hereunder."

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object—and I shall not—for information I want to ask the gentleman from Missouri a question. Except as to one very slight change this is practically the law that is in force to-day, is it not?

Mr. DYER. That is correct. There is only one change.

Mr. BLANTON. One official was not getting these reports?

Mr. DYER. No; one court.

Mr. BLANTON. One court, I meant. Why could not the great Judiciary Committee have brought in a four-line bill that would have given these reports to that court and not have to repeat the entire law over again in this five-page bill to make that change?

Mr. DYER. I will state to the gentleman that this bill was sent to the committee by the Attorney General, and it was introduced by the chairman of our committee. This is the usual way of amending such laws.

Mr. BLANTON. No; it is just one of the ways of the Judiciary Committee. In the days of Jim Mann, when we had efficiency in most of the committees because he demanded it here on the floor, this law could have been changed with a four-line bill instead of a five-page bill.

Mr. CHRISTOPHERSON and Mr. LAGUARDIA rose.

Mr. STEVENSON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. DYER. Mr. Speaker, I trust my friend from South Carolina will withdraw his demand for the regular order.

Mr. BLANTON. I was about through and I was asking some pertinent questions. If the gentleman from South Carolina desires to cut off all inquiry I shall object.

Mr. STEVENSON. I do not object to any pertinent inquiries being made, but if we are going to debate this matter let us debate it in the regular way and not by way of private conversation.

Mr. BLANTON. If the gentleman will withdraw his request for the regular order I can be through in a minute.

Mr. STEVENSON. Well, Mr. Speaker, I will withdraw it for a minute, but we want to hear what is going on.

Mr. BLANTON. Mr. Speaker, my position is this, and I submit it to my colleagues and ask them whether or not it is common sense. The Judiciary Committee could have brought in a four-line bill granting this court these reports and it would have been just as effective as their five-page bill, which encumbers the RECORD and encumbers the law. That is all I have to say and I withdraw my reservation, Mr. Speaker.

Mr. DYER. If we did that it would be necessary to look through a number of statutes to find the law governing a very simple matter, whereas if you put it all together, it is very easy.

Mr. CHRISTOPHERSON. This is a procedure I think we should follow in all such legislation.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

REREFERENCE OF A BILL

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the rereference of the bill H. R. 2244, a private Spanish War pension bill, from the Committee on Invalid Pensions to the Committee on Pensions.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDMENT OF THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 9020) to amend an act entitled "An act to establish a Code of Law

for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may we have the bill read?

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act to establish a Code of Law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, constituting the Code of Law for the District of Columbia, be, and the same are hereby, amended as follows:

Strike out section 1110 and insert in lieu thereof:

"SEC. 1110. Clerk's fees: For filing the following-named cases and for all services to be performed therein, except as otherwise provided herein, the clerk shall charge and collect the following fees:

"Actions at law, $10; suits in equity, $10; lunacy cases, $10; deportation cases, $10; requisition cases, $10; habeas corpus cases, $10; plea of title cases, $10; District court cases, $15; condemnation cases, $15; libel cases, $15; feeble-minded cases, $7.50; adoption cases, $5; change of name cases, $5; intervening petitions in any case, $5; cases substituting trustees, $4; docketing judgments of the municipal court, $2.50; and limited partnership cases, $3.

"Upon the perfecting of any appeal to the Court of Appeals of the District of Columbia there shall be charged and collected by the clerk from the party or parties prosecuting such appeal an additional fee in said suit or proceeding of $5.

"For each additional trial or final hearing, upon a reversal by the Court of Appeals of the District of Columbia, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, there shall be charged and collected by the clerk from the party or parties securing such reversal, new trial, or rehearing the further sum of $5: *Provided, however,* That the clerk shall not be required to account for any such fee not collected by him in criminal cases: *Provided further,* That nothing herein contained shall prohibit the court from directing by rule or standing order the collection, at the time the services are rendered, of the fees herein enumerated from either party, but all such fees shall be taxed as costs in the respective cases.

"In any case where attachments, executions, scire facias proceedings, or rules are issued the following fees shall be charged and collected by the clerk in addition to the fees hereinbefore provided: For each writ of attachment, $1, and each copy, $1; for each writ of execution, $1.50; for each writ of scire facias, $1, and each copy, $1; for each rule, 50 cents, and each copy certified, 50 cents; for each writ of ne exeat, $1; for each bench warrant, $1; for each warrant of arrest, $1.

"That in addition to the fees for services rendered in cases hereinbefore enumerated the clerk shall charge and collect, for miscellaneous services performed by him and his assistants, except when on behalf of the United States, the following fees:

"For issuing any writ or subpœna for a witness not in a case instituted or pending in the court from which it is issued, 50 cents for each writ and copy or subpœna and copy.

"For filing and indexing any paper not in a case or proceeding, 25 cents.

"For administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 50 cents.

"For an acknowledgment, certificate, affidavit, or countersignature, with seal, 50 cents.

"For taking and certifying depositions to file, 20 cents for each folio of 100 words, and if taken stenographically, 15 cents per folio additional for the stenographer.

"For copy of any record, entry, or other paper and the comparison thereof, 15 cents for each folio of 100 words.

"For searching the records of the court for judgments, decrees, or other instruments, or marriage records, 50 cents for each year covered by the search and for certifying the result, 50 cents.

"For receiving, keeping, and disbursing money in pursuance of any statute or order of court, including cash bail or bond or securities authorized by law or order of court to be deposited in lieu of other security, 1 per cent of the amount so received, kept, and disbursed, or of the face value of such bonds or securities.

"For making and comparing a transcript of record on appeal, 15 cents for each folio of 100 words.

"For comparing any transcript, copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of 100 words.

"For administering oath of admission of attorneys to practice, $2 each; for certificate of admission to be furnished upon request, $2 additional.

"For each marriage license, $2.

"For each certified copy of marriage license and return, $1.

"For each certified copy of application for marriage license, $1.

"For registering clergymen's authorizations to perform marriages and issuing certificate, $1.

"For each certificate of official character, including the seal, 50 cents.

"For filing and recording each notice of mechanic's lien, $1.

"For entering release of mechanic's lien, 50 cents for each order of lienor; 75 cents for each undertaking of lienee.

"For recording physicians', optometrists', and midwives' licenses, 50 cents each.

"For the clerk's attendance on the court while actually in session, $5 per day; and for all services rendered to the United States in cases in which the United States is a party of record, $5."

This act shall take effect on the 1st day of April, 1928, and shall apply to cases or proceedings filed subsequent thereto.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DEPOSIT OF FEES, ETC., PAID TO UNITED STATES MARSHALS

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 9052) to amend section 6 of the act of May 28, 1896.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That, effective July 1, 1928, so much of section 6 of the act of May 28, 1896, chapter 252, as requires United States marshals to pay to the clerks of United States courts having jurisdiction all fees and emoluments authorized by law to be paid to United States marshals be, and the same is hereby, repealed; and, effective July 1, 1928, all such fees and emoluments so paid to United States marshals shall be deposited by said marshals in accordance with the provisions of section 3621 of the Revised Statutes as amended by section 5 of the said act of May 28, 1896.

Mr. DYER. Mr. Speaker, I yield to the gentleman from Indiana [Mr. HICKEY] to make a statement about this bill.

Mr. HICKEY. Mr. Speaker, the purpose of this bill is to amend section 6 of the act of 1896 in order to authorize United States marshals to report direct to the United States Treasury all fees collected. Under present law the marshal reports to the clerk of the court, and the clerk then reports to the Treasury of the United States. This is to simplify the matter and is recommended by the Comptroller General. It is in the interest of uniformity. I will be very glad to answer any questions on the proposition that anyone may care to submit.

Mr. CRAMTON. Will the gentleman yield?

Mr. HICKEY. Yes.

Mr. CRAMTON. I only wish to take this opportunity to make the suggestion that when a bill is stated to have the approval of the Comptroller General it seems to me the statement of the comptroller ought to be included in the report, the same as the statement of the Attorney General.

Mr. HICKEY. The statement is included in the report, if the gentleman will read it.

Mr. CRAMTON. I mean the letter from the Comptroller General.

Mr. HICKEY. I call the gentleman's attention to the comptroller's language on the first page of the report. This is very clear and shows that he approves this bill.

Mr. CRAMTON. It simply says that the Comptroller General recommends that it be abolished.

Mr. HICKEY. No; it states that the Comptroller General says the procedure prescribed—the present procedure—is cumbersome. It is included in the report.

Mr. BLANTON. Will the gentleman from Missouri [Mr. DYER] yield me 10 minutes?

Mr. DYER. Mr. Speaker, I yield 10 minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, for the safeguarding of the taxpayers of this Nation, there has been for years in force and effect in the law certain double checks on officials who handle money for the people. These double checks are in the interest of honesty in public affairs and for the benefit of the Treasury, the replenishment of which comes from the people's pockets only through taxes.

Here is another effort on the part of Government officials to take away these double checks. For 31 years it has been the law that when a marshal receives money—and he does receive much money all the time—he shall report it to the clerk of the court. There is one check-up by an officer who knows all the facts surrounding the collection of that money and he is the only one, besides the marshal, who knows it.

After the clerk receives the money he reports to the Treasurer of the United States and the Comptroller General has a second check-up to see that it has been honestly reported. This is in the interest of the taxpayers of the United States Government.

This bill would take one of those checks away and would change the law which has been in force and effect for 31 years and make it unnecessary for the marshal to report his collections to the clerk, when, as I said a moment ago, the clerk is the only one who knows anything about the transaction; and the Republican administration in power will vote to take away this first check and depend on the Comptroller General 2,000 miles away, here in Washington, to uncover something that appears all right on the face of the paper.

By a small majority here a moment ago the Republican side of this House voted to take off the check of the trial judge's approval of the marshal's account, a law that has been in force and effect in this Nation for years. Why did they do it? There are influential Members of the House on the Republican side who have close friends who are United States marshals. These United States marshals did not want this check from the judge, and the only argument I heard here from the floor was that the United States judges did not do their duty, that the approval was a perfunctory matter; and, forsooth, because they did not do their duty they would amend the law, and you did vote to amend it.

Now, I am in favor of protecting the American people by proper check-ups.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. TILSON. Is the gentleman talking about the bill now before the House or the one that passed a little while ago?

Mr. BLANTON. I am talking about the bill which passed in the House a few minutes ago, and its companion sister bill now before us, which the gentleman hopes to pass and will pass.

Mr. TILSON. I think the gentleman has made no particular reference to this bill.

Mr. BLANTON. Oh, the gentleman from Connecticut has so many responsibilities and so much comes in his ears that he can not hear what takes place. I said this was a bill to relieve the marshals from reporting to the clerks of the court the money they collected.

Mr. TILSON. The gentleman from Texas can be heard above all the din that takes place.

Mr. BLANTON. I am speaking in behalf of the taxpayers, and I want to check up on these marshals who handle these public funds.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Yes; I yield to the gentleman from Michigan, who generally by word of mouth is for the people, but when he comes to vote, votes with the machine. [Laughter.]

Mr. CRAMTON. The gentleman from Texas states an inaccuracy. I perhaps may have been mistaken, but I voted with the gentleman on the standing vote and on the roll call. [Laughter.]

Mr. BLANTON. But he was not able to carry the floor leader and the Republican machine with him.

Mr. CRAMTON. The purpose I had in rising was to call attention to the fact that, while I am not informed as to the vote on the roll call, on the standing vote, neither his side of the aisle nor mine supported the gentleman from Texas and myself.

Mr. BLANTON. About 150 Members voted to keep the check on the United States marshals' accounts.

Mr. DYER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DYER. I will say that the law provides that the report of the marshals must be made to the Attorney General, and he must in turn submit the report to the Comptroller General, and then they have examiners who go out at different times through the marshal's office and make investigations.

Mr. BLANTON. The gentleman knows that it has been the law for 31 years that the marshals must submit to the clerk of the court their reports of all money collected by them, and it is the clerk of a court only who knows whether the report is correct.

Mr. DYER. The clerk does not go over the account; he receives it and files it.

Mr. BLANTON. If the clerk knew the report was dishonest, he would report it to the judge.

These bureau chiefs in this bureaucratic Government, whenever they want to change a law and make it a little more liberal for them in the way they handle the public funds, they prepare bills and send them to the committee, and the committee reports them without looking into them and finding out their full import. The time has come when it ought to stop. The committees of Congress ought to inspect more carefully the bills when they come before the committee. When the Secretary of the Navy wants to give a limousine to every officer in the Navy and sends a bureau naval officer with that bill to the clerk of the committee, the clerk of that committee ought not to be allowed to put the name of the gentleman from Oklahoma [Mr. McCLINTIC] on it and drop it in the basket without his consent.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. TILSON. Let me say to the gentleman that some of the strongest men in the House on both sides of the aisle are members of the Judiciary Committee and, as I understand, the report in this case is a unanimous report. One of the best men, one of the strongest men in the House, the gentleman's own colleague from Texas [Mr. SUMNERS], who is the ranking member on the minority side, was one of the members who voted to report the bill. It seems to me the gentleman is making rather a strong statement in this inveighing against these very good men.

Mr. BLANTON. The trouble is this: There are only 24 hours in a day, and when you attend all the social functions that are given, get to bed somewhere during the middle of the night, sometimes sleep late the next morning, get your breakfast late, and by the time you have opened up the mail you do not take the time to look over bills carefully.

Mr. DENISON. Is the gentleman referring to his colleague, Mr. SUMNERS?

Mr. BLANTON. I am referring to most of the 435 Members of the House of Representatives whose time each day is limited to 24 hours. They do not take the time necessary to examine these bills carefully.

Mr. MICHENER. Did the gentleman have special reference to the gentleman from Texas, Mr. SUMNERS?

Mr. BLANTON. Mr. Speaker, the gentleman from Texas [Mr. SUMNERS], my colleague, is just as honorable and just as conscientious as any man in this House, but he does not take the time to read all of these bills that come even before his own committee and look into them carefully and give them proper study. These bills that change the law and take the check up off officials who handle the public funds ought to come from the committees of Congress and not from bureaus down here, and bureaucratic heads. That is all that I have to say about it. Oh, you will pass the bill with a machine vote; there is no stopping it now. But some day it will stop, because the people are waking up.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the statement made by the gentleman from Texas [Mr. BLANTON] might leave the impression that this bill and the bill previously passed eliminates one of the checks on accounts for marshals, and that the committee is lowering the bars as to audit and supervision of marshals' accounts. As a matter of fact, the contrary is true. This bill simply provides for the deposit of marshals' funds.

We are bound to have a great many bills from various departments changing the system of accounting since the creation of the office of the Comptroller General. Prior to the time that the office of the Comptroller General was created, who acts as the agent of Congress, who is our auditor, each department had its own auditor. Of course, the system became complicated and cumbersome by reason of the various systems of audits within the various departments. The reason for having the clerk take over the accounts of the marshal is now no longer necessary. With our present system of audit and bonding of marshals there is no need for an additional account.

At the time when the law was enacted requiring the supervision of the clerk over the accounts of the marshal was necessary, we had no Comptroller General. Since the creation of the office of the Comptroller General we are trying to establish a uniform system of accounting in all of the departments of the Government. In the first place, to have the disbursing officer, or the officer handling the funds, directly accountable to the head of his department first, and under the supervision and the audit of the Comptroller General.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. In just a moment. In this instance the marshal's accounts are first submitted to the Attorney General under section 317 of Title V of the Code of Laws of the United States. There is the first audit. The clerk is under the jurisdiction of the Attorney General, so that the perfunctory audit of the court as in the previous bill repealed is no longer necessary because the account is first audited by the Attorney General and then under section 81 of title 31 of the United States Code of Laws the Attorney General must submit the accounts of United States marshals and other disbursing officers of the

department to the General Accounting Office, which is the Comptroller General. As to the funds themselves, it goes without saying that there is no need of a transfer of funds from marshal to clerk and from clerk to the Treasury. So that we are not in any degree letting down or lessening the audit we have had heretofore, but we are simply establishing in the Department of Justice a uniform system of audit and accounting. Moreover, besides the account being submitted to the Attorney General and then audited by the Comptroller General, under section 84 of title 31 of the Code of Laws of the United States the Attorney General has his own inspectors checking up the accounts of the various disbursing and financial officers in his department.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. To show the gentleman how far these marshals and their accounts and the clerks are from the Comptroller General here in Washington, if you start now to go to Texas you will land in Texarkana day after to-morrow morning, and after you reach there you will have to go 900 miles west from Texarkana, Tex., to reach El Paso, Tex. Does the gentleman think that the Comptroller General knows as much about the collections that the marshal makes in El Paso, and as much about his report concerning the collections there, as the clerk in El Paso would know?

Mr. LAGUARDIA. The clerk does not follow the marshal; he does not gumshoe the marshal. He simply takes the same accounts that now come to the head of the department.

Mr. BLANTON. Every collection that the marshal makes is made on a process that the clerk himself issues, and the clerk is the only one who knows whether those collections are honestly reported or not. The Comptroller General here, several thousand miles away, is not in a position to go behind the face of the return.

Mr. LAGUARDIA. Mr. Speaker, in response to the gentleman from Texas, let me say that I do not speak for the organized Republican Party.

Mr. BLANTON. But the gentleman is going right along with the organization.

Mr. LAGUARDIA. Only when they are right, and then I stand by them.

Mr. BLANTON. Since he has gotten his committee assignments back.

Mr. LAGUARDIA. Let me assure the gentleman from Texas that he is not the only one who reads all of the bills and reports. There are other Members of the House who do that beside himself, and I submit it is hardly fair to take the floor and imply that he, the gentleman from Texas [Mr. BLANTON], is the only person in the House who has read a bill and who knows what it is all about. In this instance, as in many other instances, the gentleman reads all of the bills and talks about all of the bills.

Mr. BLANTON. Oh, I do not read all of the bills. I read only those bills that are reported from committees. There are thousands of bills that I do not read, that do not come out of a committee. They are not dangerous. But as soon as a bill is reported then it becomes dangerous and I study all such bills carefully.

The SPEAKER pro tempore (Mr. SNELL). The question is on the third reading of the bill.

The question was taken, and the bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, I demand a division.

The House divided.

Mr. BLANTON (during the division). Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 318, nays 11, not voting 104, as follows:

[Roll No. 15]

YEAS—318

Abernethy	Arentz	Beck, Wis.	Bloom
Ackerman	Arnold	Beedy	Bohn
Adkins	Auf der Heide	Beers	Bowles
Aldrich	Ayres	Bell	Bowling
Allen	Bacharach	Berger	Box
Almon	Bachmann	Black, N. Y.	Boylan
Andresen	Bankhead	Black, Tex.	Brand, Ga.
Andrew	Barbour	Bland	Brand, Ohio
Briggs	Fletcher	Larsen	Rogers
Brigham	Fort	Leavitt	Romjue
Browne	Freeman	Leech	Rubey
Browning	French	Lehlbach	Rutherford
Buckbee	Frothingham	Letts	Sanders, Tex.
Bulwinkle	Fulbright	Lindsay	Sandlin
Burtness	Fulmer	Lozier	Schafer
Burton	Furlow	Luce	Sears, Fla.
Busby	Gambrill	Lyon	Sears, Nebr.
Bushong	Garber	McClintic	Seger
Byrns	Gardner, Ind.	McDuffie	Selvig
Campbell	Garner, Tex.	McKeown	Shallenberger
Cannon	Garrett, Tenn.	McLaughlin	Shreve
Carew	Garrett, Tex.	McLeod	Simmons
Carley	Gasque	McReynolds	Sinclair
Carss	Gibson	McSweeney	Sinnott
Casey	Gifford	Maas	Smith
Celler	Glynn	Madden	Snell
Chalmers	Goldsborough	Magrady	Somers, N. Y.
Chapman	Goodwin	Major, Ill.	Speaks
Christopherson	Gregory	Major, Mo.	Spearing
Clague	Green, Fla.	Manlove	Sproul, Ill.
Clancy	Greenwood	Mansfield	Sproul, Kans.
Clarke	Griest	Mapes	Steele
Cochran, Mo.	Griffin	Martin, La.	Stobbs
Cochran, Pa.	Guyer	Martin, Mass.	Strong, Pa.
Cohen	Hadley	Menges	Summers, Wash.
Cole, Iowa	Hale	Merritt	Sumners, Tex.
Collier	Hall, N. Dak.	Michaelson	Swank
Collins	Hammer	Michener	Swick
Colton	Hancock	Miller	Swing
Combs	Hardy	Milligan	Tarver
Connery	Hare	Monast	Tatgenhorst
Connolly, Pa.	Harrison	Montague	Taylor, Tenn.
Cooper, Wis.	Hastings	Moore, Ky.	Temple
Corning	Haugen	Moore, Ohio	Thurston
Crail	Hawley	Moore, Va.	Tillman
Cramton	Hersey	Moorman	Tilson
Crisp	Hickey	Morehead	Timberlake
Crosser	Hill, Ala.	Morgan	Treadway
Crowther	Hill, Wash.	Morrow	Underhill
Cullen	Hoch	Nelson, Me.	Underwood
Dallinger	Hoffman	Nelson, Mo.	Updike
Darrow	Hogg	Nelson, Wis.	Vestal
Davenport	Holaday	Newton	Vincent, Mich.
Davey	Hooper	Niedringhaus	Vinson, Ga.
Davis	Houston, Del.	Norton, Nebr.	Vinson, Ky.
Denison	Howard, Nebr.	Norton, N. J.	Wainwright
Dickinson, Iowa	Howard, Okla.	O'Brien	Ware
Doughton	Huddleston	O'Connell	Wason
Douglas, Ariz.	Hull, Morton D.	O'Conner, La.	Watres
Douglass, Mass.	Hull, Tenn.	Palmisano	Watson
Doutrich	Jacobstein	Parks	Weaver
Dowell	Jeffers	Peavey	Welch, Calif.
Drane	Jenkins	Peery	White, Colo.
Drewry	Johnson, Ill.	Perkins	Whitehead
Driver	Johnson, Ind.	Prall	Whittington
Dyer	Johnson, Okla.	Pratt	Williams, Ill.
Eaton	Johnson, Tex.	Purnell	Williams, Mo.
Edwards	Kading	Quin	Williams, Tex.
Elliott	Kahn	Ragon	Williamson
England	Kearns	Rainey	Wilson, Miss.
Englebright	Kelly	Ramseyer	Winter
Eslick	Kent	Rankin	Wolverton
Estep	Ketcham	Ransley	Woodruff
Evans, Mont.	Kincheloe	Rathbone	Wurzbach
Faust	Knutson	Reece	Wyant
Fenn	Kopp	Reed, Ark.	Yates
Fish	Kurtz	Reed, N. Y.	Yon
Fisher	Kvale	Reid, Ill.	Zihlman
Fitzgerald, W. T.	LaGuardia	Robinson, Iowa	
Fitzpatrick	Lankford	Robsion, Ky.	

NAYS—11

Allgood	Cartwright	Kemp	Rayburn
Blanton	Dominick	Lowrey	Steagall
Buchanan	Jones	McMillan	

NOT VOTING—104

Anthony	Foss	Kunz	Sanders, N. Y.
Aswell	Frear	Lampert	Schneider
Bacon	Free	Langley	Sirovich
Beck, Pa.	Gallivan	Lanham	Stalker
Begg	Gilbert	Lea	Stedman
Boies	Golder	Leatherwood	Stevenson
Bowman	Graham	Linthicum	Strong, Kans.
Britten	Green, Iowa	McFadden	Strother
Burdick	Hall, Ill.	McSwain	Sullivan
Butler	Hall, Ind.	MacGregor	Sweet
Canfield	Hope	Mead	Taber
Carter	Hudson	Mooney	Taylor, Colo.
Chase	Hudspeth	Moore, N. J.	Thatcher
Chindblom	Hughes	Morin	Thompson
Connally, Tex.	Hull, Wm. E.	Murphy	Tinkham
Cooper, Ohio	Igoe	O'Connor, N. Y.	Tucker
Cox	Irwin	Oldfield	Warren
Curry	James	Oliver, Ala.	Weller
Deal	Johnson, S. Dak.	Oliver, N. Y.	Welsh, Pa.
Dempsey	Johnson, Wash.	Palmer	White, Kans.
De Roeun	Kendall	Parker	White, Me.
Dickinson, Mo.	Kerr	Porter	Wilson, La.
Dickstein	Kiess	Pou	Wingo
Doyle	Kindred	Quayle	Wood
Evans, Calif.	King	Rowbottom	Woodrum
Fitzgerald, Roy G.	Korell	Sabath	Wright

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Graham with Mr. Canfield.

Mr. Palmer with Mr. Dickinson of Missouri.

Mr. Green of Iowa with Mr. Igoe.

Mr. Welsh of Pennsylvania with Mr. Wright.

Mr. Morin with Mr. Oldfield.
Mr. Butler with Mr. Pou.
Mr. Kiess with Mr. Oliver of Alabama.
Mr. Wood with Mr. Doyle.
Mr. Hudson with Mr. Stevenson.
Mr. Taber with Mr. Tucker.
Mr. Hall of Indiana with Mr. Sullivan.
Mr. Murphy with Mr. Woodrum.
Mr. Johnson of Washington with Mr. Cox.
Mr. Beck of Pennsylvania with Mr. Weller.
Mr. Anthony with Mr. Lanham.
Mr. Burdick with Mr. Gilbert.
Mr. Porter with Mr. Dickstein.
Mr. Bacon with Mr. McSwain.
Mr. White of Maine with Mr. Quayle.
Mrs. Langley with Mr. Taylor of Colorado.
Mr. Evans of California with Mr. Warren.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SNELL). A quorum is present.

AMENDMENT OF THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 5623) to amend the Judicial Code by adding a new section, to be numbered 274D.

The SPEAKER pro tempore. Is it on the Union Calendar?

Mr. DYER. It is on the House Calendar.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Judicial Code approved March 3, 1911, is hereby amended by adding after section 274C thereof a new section, to be No. 274D, as follows:

"SEC. 274D. (1) In cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction, the said courts upon petition shall have jurisdiction to declare rights and other legal relations on request of interested parties for such declarations whether or not further relief is or could be prayed, and such declarations shall have the force of final decree and be reviewable as such.

"(2) Further relief based on declaratory decree may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party, whose rights have been adjudicated by the declaration, to show cause why further relief should not be granted forthwith.

"(3) When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict be required or not.

"(4) The Supreme Court may adopt rules for the better enforcement and regulation of this provision."

Mr. DYER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. MONTAGUE] such time as he may desire.

The SPEAKER pro tempore. The gentleman from Virginia is recognized.

Mr. MONTAGUE. Mr. Speaker, I do not know that this bill is fresh in the minds of the Members of the House. The bill has been favorably reported by the Committee on the Judiciary on three several and successive occasions, and it passed the House last year by unanimous consent.

The purport of the bill is to simplify and expedite the administration of justice. It is not a new measure, except here. Twenty-some States of the Union already have a similar or somewhat similar law. It is in wholesome practice in England, and has been for 35 years; and more interesting still, it has been in operation in Scotland for over 400 years, and some of the ablest jurists of England commented long before the adoption of the measure into their system of laws on the neglect of England to adopt the practice of Scotland. Several of the nations on the Continent have adopted similar laws.

In the field of law as in the field of medicine there may be preventive remedies. We reach it now in equity and in law sometimes by demurrers. This bill is not radical at all. Personally I would like to see it more extensive in its application.

May I give an illustration? Suppose, for instance, there is a suit involving on one side a husband and wife against another party; one of the parties arises and says, "I desire to file a petition to determine the validity of this marriage, for my contention is that it is not a valid marriage." The other party consents, and then this vital intermediary question must be first determined. To go through the whole case, based upon a validity of the marriage, and then after the long trial to move an arrest of judgment or the setting aside of the verdict is a waste of time and money.

Again, a suit is brought upon a contract. One party takes one view of its construction and the other party takes an opposite view. It is manifest that one or the other construction of the contract would bring about an entirely different result. Therefore the parties request the court to pass upon the precise question as to what that contract means, what is its true construction. Thereby the case may be speedily terminated or it may go forward under more precise and defined lines.

This bill did not meet with opposition in the House the last time, and it is manifest we should do something to-day to make it an available method of simplifying and facilitating the administration of law. Not only do suitors desire this remedy, but it is in the interest of the administration of justice throughout the country.

Mr. DENISON. May I ask the gentleman a question?

Mr. MONTAGUE. With pleasure.

Mr. DENISON. I am interested in this matter and did not discover it was on the calendar until just a short time ago. For information, may I ask whether or not in these proceedings for a declaratory judgment the court enters into a consideration of the facts?

Mr. MONTAGUE. The court may consider the fact as well as the law, and the court may direct the trial of a fact by a jury. The court has that power. We provide in the bill that the Supreme Court may make rules and regulations for a more efficient administration of the procedure.

I may say further that the courts are not likely to take radical steps in administering this remedy. I think they will go step by step until the efficiency of the procedure is thoroughly demonstrated. That has been the history of its progress and success where employed.

Mr. DENISON. May I ask the gentleman a further question? Can one party take a controversy into court without the consent of the other?

Mr. MONTAGUE. No. It provides for the consent of the parties.

Mr. DENISON. Both parties?

Mr. MONTAGUE. Yes; both parties.

Mr. NEWTON. I want to ask the gentleman a question. This applies only to actual controversies?

Mr. MONTAGUE. Yes. The gentleman is a lawyer and I anticipate what is in his mind. He probably has in mind the Michigan case. Michigan had a statute covering this subject, and the courts declared it unconstitutional upon the ground that it did not apply to actual controversies. So this bill bridges that aspect of the procedure by applying the remedy to actual controversies.

Mr. NEWTON. In the Michigan case there was a dissenting opinion, which has met with the approval of some lawyers throughout the country. However, it seems to me the committee has done well to confine this initial effort to actual controversies. Let me ask the gentleman this further question: How is the court going to protect itself so as to be sure that the controversies are real and actual instead of mooted questions?

Mr. MONTAGUE. Well, I should think that when a controversy is actually pending, and a petition is presented to the court for a declaratory judgment, that petition must be consented to by the parties and that sufficient facts or law must be developed to assure the court that an actual controversy existed. The court must of necessity satisfy itself upon this point.

Mr. NEWTON. I can imagine a case where parties might be able to get up a moot question and put it in such form as to make it appear there was an actual controversy when, as a matter of fact, there was not. That might be done unless the court should be rather strict in handling such matters.

Mr. MONTAGUE. The gentleman will realize that we must rely on the courts to make the discovery and to take proper action.

The concluding paragraph of the bill provides:

The Supreme Court may adopt rules for the better enforcement and regulation of this provision.

This, I think, is a wholesome provision.

Mr. NEWTON. Now, as to the controversies submitted, upon their decision being rendered the question then is res adjudicata for all time to come?

Mr. MONTAGUE. It is final as to that matter, with the right of review by the appellate tribunal, just as a final decree or judgment of the court is now so reviewable.

Mr. NEWTON. So it would be the same as in any other law suit?

Mr. MONTAGUE. Yes; as to that particular fact or law, or aspect of the controversy submitted.

Mr. NEWTON. Whatever has been determined in the proceeding.

Mr. MONTAGUE. Yes.

Mr. NEWTON. The first section of the bill states:

In cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction, the said courts upon petition shall have jurisdiction to declare rights and other legal relations on request of interested parties.

Does the gentleman construe that to mean that the request must be made by both parties?

Mr. MONTAGUE. Yes; I so construe it.

Mr. NEWTON. There seems to be quite a difference of opinion among the members of the committee on that point, and I wanted to get the gentleman's idea.

Mr. DYER. Will the gentleman yield?

Mr. MONTAGUE. Certainly.

Mr. DYER. Would it not be clearer if we inserted in line 10, before the word "interested," the word "all," and make it read "on request of all interested parties"? Would not that cover it?

Mr. MONTAGUE. I have no objection to that. Personally, I would not confine it to the concurrence of the parties. I would leave it to the court, upon the application of either party, to decide the question.

Mr. TILSON. Will the gentleman from Virginia yield?

Mr. MONTAGUE. Yes.

Mr. TILSON. It seems to me we should introduce some further definition here, otherwise the language will be ambiguous. We either ought to say "all interested parties," "any interested party," "either interested party," or use some other definite description of the party or parties. The language as it stands leaves the meaning ambiguous.

Mr. MONTAGUE. The bill, I may state, was not drawn by me. As I recall, the bill was drawn by a special committee of the American Bar Association.

Mr. DENISON. If the gentleman from Virginia will permit, I find from reading the testimony of Mr. McChesney, who, I understand, represented the American Bar Association——

Mr. MONTAGUE. Yes.

Mr. DENISON (continuing). That he construed it to apply to both parties or to all parties, and I think it ought to be made plain in the language used.

Mr. STOBBS. Will the gentleman from Virginia yield?

Mr. MONTAGUE. Certainly.

Mr. STOBBS. May I call the gentleman's attention to a discussion in the committee on this particular aspect of the bill? Mr. Henry W. Taft, of New York, when he was asked the question as to whether or not both parties must agree, stated as follows:

I have supposed—now, I may be wrong in this, but I have supposed that it was coercive; that is to say, that either party might bring the other party into court. Perhaps this bill is not definite in making that clear; since you speak of it, I am inclined to think it is not particularly clear. But my impression of the use of this judgment in other jurisdictions has been that it is compulsory.

We were discussing this question in the committee and this was the opinion of Mr. Taft in his statement given to the committee.

Mr. MONTAGUE. I have no hesitancy in saying I wish it were coercive, but when you use the word "parties," it would embrace all parties to the controversy.

Mr. STOBBS. Does not the gentleman think it ought to be called into effect at the request of any one interested party?

Mr. MONTAGUE. I do. That is my personal conviction.

Mr. STOBBS. Rather than all.

Mr. MONTAGUE. Yes; then you leave it for the court to determine. We must trust to the courts, and they are not likely to do this unless they believe it should be done, and that the fact and law and nature of the controversy amply justify it.

Mr. CELLER. Will the gentleman yield?

Mr. MONTAGUE. I yield to the gentleman.

Mr. CELLER. I understand the word "declaration" is used in the bill and I presume this bill will be called the declarative judgment bill. Does this bill take in all that is generally known as declarative judgments in this sense, that where two parties to a contract have difficulties in determining what their rights are, they then have the right under this bill to go into court and have their rights determined?

Mr. MONTAGUE. That is not clear under this bill. In many States they can, but this bill confines jurisdiction to actual controversies and not potential controversies. We may reach that in the development of the practice, but it does not apply now.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MONTAGUE. Certainly.

Mr. JOHNSON of Texas. Is not the object of the bill to discourage and prevent as far as possible a large volume of litigation?

Mr. MONTAGUE. Yes; and also to expedite and simplify the procedure in litigation.

Mr. JOHNSON of Texas. Upon that theory will this not be conducive to increasing litigation? If either party during a preliminary stage of a controversy can bring the matter into court, and thereafter there may be further litigation before the rights of the parties are determined, would you not have double the volume of litigation, because there would be a lawsuit declaring the rights under a contract, and then after the rights are determined there would be further litigation? Would it not be better, as suggested by some of the gentlemen here, that this right could only be exercised when both parties were willing to submit themselves to the jurisdiction of the court? Otherwise it seems to me you will have an increased volume of litigation, which would be what we might call litigation of a premature character.

Mr. MONTAGUE. It would not be any more premature than a demurrer or an injunction.

Mr. SUMNERS of Texas. Will the gentleman from Virginia yield?

Mr. MONTAGUE. Certainly.

Mr. SUMNERS of Texas. I want to direct my colleague's attention to certain language in section 274D. My colleague will recall that when the bill was under consideration there was one proposition to limit this remedy to those situations where suits were pending; and another was to permit, for instance, a matter being submitted to the court when there was a difference of opinion between the parties to a contract, for instance, as to what was the proper construction of that contract.

It seems to me probably true that the committee undertook to effectuate the latter, because the bill reads:

In cases of actual controversy, in which if suits were brought, the courts of the United States would have jurisdiction—

And so forth. Is it not true that it would be possible for interested parties, in a difference of opinion with reference to the proper construction of a contract, to submit that question to the court, no suit having been brought involving the general matter in controversy.

Mr. MONTAGUE. The gentleman means, does the bill contemplate an interpretation of a contract in the absence of a suit?

Mr. SUMNERS of Texas. Yes.

Mr. MONTAGUE. The bill is intended to apply to "actual controversies," in suits pending, for the reason that the courts of Michigan had held that in the absence of an "actual controversy" the procedure was not constitutional, and we did not wish to run any risk.

Mr. SUMNERS of Texas. Does not the gentleman think that some change of language in the section should be made because of the words "if suit were brought"?

Mr. MONTAGUE. The language is "in cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction"—that seems to refer to cases in which the courts of the United States have jurisdiction.

Mr. CELLER. Will the gentleman yield? I am in doubt as to what this bill is. In New York State in the surrogate's court, having jurisdiction over wills, an executor or administrator under the law, if he has any doubt as to the meaning of a clause in a will, has a right to go to the surrogate and ask the surrogate how he will interpret a certain passage of the will so that he can be certain that his operations under the will are proper. Now, by analogy, suppose A has a contract with B, and he does not know what he might do under that contract, and B differs with him. Now, may he go to the court under this bill and say here is my contract with B; B disagrees with me, and I want the court to determine the controversy?

Mr. MONTAGUE. If the proceedings or pleadings present the question he could. In the case of the will the gentleman speaks of I do not know the practice in New York, but in my State for a long time, where the construction of a will is involved, a court of equity will take jurisdiction and determine the precise question. Perhaps the law courts in some jurisdictions may do likewise.

Mr. CELLER. I am only arguing by analogy when I offer the New York practice as to wills—just trying to make my position clear. The gentleman says if there is such a controversy between A and B upon a contract they can go to a Federal court and have their rights determined.

Mr. MONTAGUE. If the court has jurisdiction and the question is properly presented.

Mr. CELLER. But I mean before actual default can either go to the court for the interpretation of the contract? Can

either party go into court and say we want this controversy determined?

Mr. MONTAGUE. I would not like to answer categorically.

Mr. CELLER. I think a definite conclusion should be reached by the committee.

Mr. MONTAGUE. My own idea is that what the gentleman desires is one of the great objects of declaratory judgments; whether this bill will give all the relief in that direction or not there is some doubt, but it leads in the proper direction.

Mr. CELLER. The gentleman's statement is going to create a doubt in the minds of the judges because the gentleman knows that when statutes are interpreted the congressional debates are looked up and judges in a way are aided in construing statutes by what we say here.

Mr. MONTAGUE. I can only say that the bill means actual controversies in court. It does not mean a controversy not in court.

Mr. O'BRIEN. Will the gentleman yield for a question?

Mr. MONTAGUE. I will yield.

Mr. O'BRIEN. What is the status of a case under actual controversy upon which a petition may be filed?

Mr. MONTAGUE. I could not tell the gentleman. One case might not conform to the petition or procedure and another might. All that is to be determined by the judge in the individual controversy.

Mr. O'BRIEN. What I desire to bring out is: Can a petition be filed on the filing of a bill, or must it be filed when the issue is joined?

Mr. MONTAGUE. The petition must be filed after the case or controversy is in court.

Mr. O'BRIEN. That does not go far enough. It would be docketed and in court on the filing of the bill or declaration. Can a declaration be filed before issue is joined by the filing of some pleading by the defendant?

Mr. MONTAGUE. I should think the controversy must be ready for hearing in some form, or at whatever stage it may have progressed with, this intermediary procedure may be presented and determined. That is, the court may take it up for consideration. It should be repeated that the Supreme Court is enabled under this bill to adopt a procedure for this particular remedy.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. GILBERT. Kentucky has a declaratory judgment law, and it has been very beneficial. It is employed at the instance of one party alone.

Mr. MONTAGUE. Yes.

Mr. GILBERT. And in addition to that, going further than the gentleman from New York [Mr. CELLER] suggested, one party may want to know in the case of a will what his interest in the property is, and it may be a remainder interest. There may be no actual controversy for years, yet he is interested to know what his interest is, because he may want to sell. He is permitted to go into court and find out. If the gentleman will pardon the presumption, I think the bill would be better if it would specify at least at the instance of any one party.

Mr. MONTAGUE. I agree with the gentleman in that, and so far as I am individually concerned I will vote for such an amendment.

Mr. STOBBS. I am going to offer such an amendment.

Mr. GILBERT. In Kentucky it has occurred where one party is very much interested in knowing, while the other is not interested and will not come into court.

Mr. MONTAGUE. But the gentleman from Kentucky states a case not in court at the time.

Mr. GILBERT. Yes.

Mr. MONTAGUE. This bill may not go so far as that.

Mr. GILBERT. He may have an opportunity to sell his interest in the property.

Mr. MONTAGUE. That is a potential case. There was much opposition to that. Michigan declared the suggestion of the gentleman, which I think is most beneficial, to be invalid, and we want to avoid any constitutional negations of the law.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. STEVENSON. Let me state a practical case. Suppose John Smith is a life tenant in possession of a tract of land, and that property is to go to Bill Jones at his death, provided Bill Jones is then alive, and if not, then to some one else; and Bill Jones and John Smith go into court on one of these declaratory propositions, on the question of the rights of the parties in that land, and a decision is had. That decision may be detrimental to the interests of the ultimate remaindermen, who are not there. How will they be affected by it? That is a practical question that the bar has to look into before starting this matter.

Mr. MONTAGUE. That is a question for a judicial action, and a similar question may arise upon any final judgment or decree. The gentleman knows as much about that as I do.

Mr. STEVENSON. In other words, is it not possible that the ultimate remainder man may be prejudiced, bound, and barred by a judgment in a case to which he was never a party?

Mr. MONTAGUE. Yes; it is possible, and also he may be mightily benefited.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. Under the case the gentleman just stated, he could not come into court because no right of action would have occurred.

Mr. STEVENSON. Suppose there was a dispute as to the possession of property between the life tenant and this potential first remainder man. There would be a right there, and they could go into court mighty quick.

Mr. LAGUARDIA. They could not do it.

Mr. STEVENSON. But suppose the life tenant's right was disputed by the remainder man?

Mr. LAGUARDIA. They would decide the right of the life tenant and nobody else.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Speaker and gentlemen of the House, it seems to me this legislation is very, very desirable, and, as the gentleman from Virginia has pointed out, it is in the nature of preventive medicine. There was an honest difference of opinion in the committee, and there may be an honest difference of opinion among the Members of this House as to whether or not this declaratory judgment feature ought to be invoked at the request of all the interested parties or by any one individual. That is just a matter of a difference of opinion. In the hearings before the committee Mr. McChesney, as has already been pointed out, said he understood from the way this bill was drawn, that it would require the consent of all the interested parties, but Henry W. Taft, of New York, at a previous hearing on this same bill, said he thought it ought to be invoked at the request of any one individual party; in other words, it ought to be coercive, and as the gentleman from Kentucky has pointed out, that is the way it has worked out in his particular State. Personally, I favor this provision being invoked at the request of any one individual party who is involved in the controversy. To answer the objection made by the gentleman from South Carolina [Mr. STEVENSON], I would say that if a party presents a petition to the court, the court under that petition, if any one party has that right, takes that matter under consideration. Of course, the court is going to have notices issued to all the interested parties, so that they may be heard. When a man files a petition the court will order all of the interested parties into court so that their rights may be adjudicated and they may be heard at that time.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. MOORE of Virginia. As I understand, it is contemplated that the question to be presented is always a pertinent and relative question.

Mr. STOBBS. Surely.

Mr. MOORE of Virginia. If that is true, what objection can there be to the court taking cognizance of the proposition at the instance of one party, even though the other party may be opposed to it?

Mr. STOBBS. I see none. I propose to offer an amendment to insert the words "any of the interested parties." Now, just a word as to why I believe any one party should have the right to request an adjudication or consideration of this matter. There are always two elements involved in any business agreement controversy. There is the element of liability and the element of damage. Lots of times there is an honest difference between two people as to what a business agreement, which they have entered into between themselves, actually means. If one of those parties—who may, as a matter of fact, be the one who is least well off financially—wants to have determined, before he goes ahead and performs his part of the contract, just exactly what the contract means, if you leave it that both parties must agree he could not get a determination or construction of the contract as a matter of right, whereas if you leave it that any one of those parties may request the court to take jurisdiction, then the man who may be the least well off financially can go to the court and simply say, "I want this court to determine the question as to what this contract means before I go ahead and perform my part of it or incur any liability under it." Now, that is a plain, simple, business proposition. So he goes to court and says, "I want the court to interpret this contract at the very outset," and the other side, then, has got to come in. There is no reason why they should

not be compelled to come in. Then they both have their rights heard in court and have a decision as to what that contract actually means.

After the court has said what that contract means, then each party can go ahead and perform their respective obligations or duties under the contract. Perhaps the best illustration as to why you ought to allow one party to come in is the question of the construction of wills. Suppose I am the executor of an estate and I am supposed to carry out the terms of a will. The provisions of that instrument are far from being clear, and some of the beneficiaries come to me and say, "This will means so-and-so." Other beneficiaries will say, "This will means so-and-so." I simply look at it and say, "I believe it means so-and-so." If I say, "Let us have the court construe this," some of these people, who are playing the litigation game, say, "We will not agree to come in on a construction of this proposition," and if that should happen, where am I left?

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. DYER. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. STOBBS. If it is left that any one party can go before the court, then I, as the executor, will go before the court and say, "I do not agree with you beneficiaries on this, so you will have to go into court on it."

Mr. DYER. How can you go into a Federal court in a will case?

Mr. STOBBS. I suppose a will case is not the best illustration, but it illustrates the declaratory judgment feature in a State court.

Mr. DOWELL. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. DOWELL. The gentleman was discussing the question I wanted to ask. In a will case the parties are all in court?

Mr. STOBBS. Yes.

Mr. DOWELL. And that is a State court proposition?

Mr. STOBBS. But it illustrates the declaratory judgment provision.

Mr. DOWELL. But in the case of a contract, suppose there is no real controversy as to the meaning of the contract, and then suppose one of the parties who desire to construe it favorably to himself says to the others, "Unless you agree to my version of this contract I shall bring this before the court and have a suit to determine the proper construction of this contract," would he not have a lever upon those who did not want to go into court for a construction, by the threat that unless they conceded his construction of it they would be brought into court for a determination by the court. In other words, could he in any way influence the construction of the contract to his own advantage?

Mr. STOBBS. My answer to the gentleman from Iowa is that the procedure on these declaratory judgments is only invoked where there is an actual controversy, and that means no moot question; and if any one party sought to invoke the use of the court and the court afterwards determined there was no real controversy, but it was done purely for purposes of delay and provoking litigation, the court would deal accordingly; in fact, the court would not have any jurisdiction, if there were no controversy involved, under the phraseology of the bill. This is the way it has been considered and construed in all the States. In other words, it must not be a moot question, but must be a real, actual controversy before you have any right to come into court.

Mr. ABERNETHY and Mr. HOCH rose.

Mr. STOBBS. I yield first to the gentleman from Kansas.

Mr. ABERNETHY. I have been on my feet for 15 minutes and I think I shall have to make the point of no quorum.

Mr. STOBBS. I will yield to the gentleman from North Carolina. I am sorry.

Mr. ABERNETHY. No; the gentleman yielded to the gentleman from Kansas. I withdraw any point of no quorum.

Mr. STOBBS. All right. I yield to the gentleman from Kansas and then will yield to the gentleman.

Mr. HOCH. If I understand the gentleman correctly with reference to the case of a contract, his view of this language is that if there were a substantial controversy as to the meaning of a contract, this procedure might be availed of even though there were no allegations of a breach of the contract; that is to say, there is no existing cause of action upon which a hearing could be had at the time; but there is a substantial controversy as to the meaning of the contract.

Mr. STOBBS. Yes.

Mr. HOCH. In that case they could still come in and invoke this procedure.

Mr. STOBBS. Absolutely.

Mr. CELLER. Will the gentleman yield?

Mr. STOBBS. I yield to the gentleman from New York.

Mr. CELLER. There might be a controversy between the parties as to what certain words of a contract meant, and in anticipation of a breach of the contract, they could come into court and have that controversy determined.

Mr. STOBBS. That is exactly it. They determine the question of liability before they incur any damage on one side or the other.

Mr. CELLER. I take it the gentleman's view is that this should be as in equity cases, either party or any party interested can come in and invoke the aid of the court, and then the court can draw in everybody who is interested.

Mr. STOBBS. That is exactly my opinion.

Mr. ABERNETHY. Will the gentleman yield?

Mr. STOBBS. I certainly will, with pleasure.

Mr. ABERNETHY. Does not the gentleman think if we leave this procedure to any one party to the controversy we will have to increase the number of our courts very largely on account of the amount of litigation that will be brought about by these controversies? In view of the congested dockets we have now, does not the gentleman think that leaving this to either one of the parties will make it necessary for us to increase the number of judges very largely?

Mr. STOBBS. I think it will work exactly the other way, because you are going to shut off litigation. You can determine the rights of the parties beforehand and thereby you are going to save a lot of expensive suits.

There is one other thought in connection with will cases. Of course, will cases ordinarily are settled and determined in the State courts, but there are cases where will cases come into the Federal courts, I believe, where there is a question of diverse citizenship, and this question would then be involved; and if there is any one class of cases where any one individual ought to have the right to go before the court, without the consent of all the rest of the parties, and ask to have a construction of an instrument before there is anything done by the parties on one side or the other, and to save litigation and expense to the parties, it is in will cases, and that is exactly what this legislation would allow you to do in respect of such a case in the Federal court.

Mr. DENISON. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. DENISON. You can do that in every case in the country now. The courts now recognize the right of either party to bring suits to construe wills without any legislation of this kind.

Mr. STOBBS. There is not any question but that this bill allows it, and it would be possible under this legislation to do that in the Federal courts.

Mr. DENISON. Yes; but I say the courts, wherever they have jurisdiction to construe wills, now do that very thing.

Mr. STOBBS. In the Federal courts to-day?

Mr. DENISON. If they have jurisdiction to try will cases at all.

Mr. STOBBS. Then this legislation is not going to do any harm.

Mr. DENISON. I mean it is not necessary in order to permit the courts to construe a will where there is a dispute about it, because that can be done now.

Mr. SCHAFER. Will the gentleman yield?

Mr. STOBBS. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. It appears to me we would have to have a great increase in the number of our judges because of the increased legislation, because before a judge could determine the question upon which the petition is based he would practically have to require the same evidence he would require in a court trial.

Mr. STOBBS. Does not the gentleman from Wisconsin appreciate the fact that all the judge is going to construe is a written instrument, say a contract, and he is not going to hear any witnesses. Therefore if he construes that written instrument and decides it to be such and such a thing, then you have avoided all the trouble and expense of bringing your witnesses before the court to try out that same question later on. You are saving trouble rather than making trouble in the courts.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. It seems to me there is a confusion as to the meaning of the word "party" in this bill.

A party to an action or suit is one who is directly interested in the subject-matter in issue; who has a right to make a defense, control the proceedings, or appeal from the judgment. (United States v. Henderlong (U. S.) 102 Fed. 2, 4; In re Duchess of Kingston, 20 Howell, St. Tr. 538; Hunt v. Haven, 52 N. H. 162, 169; Robbins v. City of Chicago, 71 U. S. (4 Wall.) 657, 672, 18 L. Ed. 427; Green v. Bogue, 15 Sup. Ct. 975, 985, 158 U. S. 478, 39 L. Ed. 1061; Theller v.

Hershey (U. S.) 89 Fed. 575, 576; Cullen v. Woolverton, 47 Atl. 626, 627, 65 N. J. Law 279; Hodde v. Susan, 58 Tex. 389, 393; Haney v. Brown (Tex.) 46 S. W. 55, 57; Bealor v. Hahn, 19 Atl. 74, 76, 132 Pa. 242; Walker v. City of Philadelphia, 45 Atl. 657, 195 Pa. 168, 78 Am. St. Rep. 801; State ex rel. Kane v. Johnson (Mo.) 25 S. W. 855, 857 (citing Greenl. Ev. 535); City of Springfield v. Plummer, 89 Mo. App. 515, 531; Boles v. Smith, 37 Tenn. (5 Sneed) 105, 107; Wheeler v. Towns, 43 N. H. 56, 57.)

A party is ordinarily one who has or claims an interest in the subject of an action or proceeding instituted to afford some relief to the one who sets the law in motion against another person or persons. Interest or the claim of interest is the test as to the right to be a party to legal proceedings almost without exception. Hughes v. Jones (22 N. E. 446, 448; 116 N. Y. 67; 5 L. R. A. 637; 15 Am. St. Rep. 386).

Interest means concern, advantage, good; share, portion, part, or participation. Fitch v. Bates (N. Y.), 11 Barb, 471, 473 (citing Webster).

So that the bill as now framed permits the one party to commence proceedings for a declaratory judgment. A plaintiff in an action need not consult the defendant; he serves papers and that brings the defendant into court. When a party wants a declaratory judgment, if there is an actual issue he serves the other party with papers and brings him into court.

The illustration presented by the gentleman from New York [Mr. CELLER] shows what the bill will do. I do not agree with the gentleman from Virginia that it is necessary to have an action pending in court. You can have a declaratory judgment before you get into court. That is the essence of this bill. In fact, the purpose of obtaining a declaratory judgment, as I understand it, is to avoid suit, avoid litigation.

The gentleman from New York [Mr. CELLER] asked the gentleman from Texas [Mr. SUMNERS] concerning a hypothetical case, a controversy over the purchase of cloth, whether it is worsted or wool. Now, to bring this under the provisions of the bill you would have to state the facts and the actual controversy, and the court determines first whether it is an actual controversy and the meaning of the contract. If you fail to show an actual controversy you are thrown out of court on demurrer or a motion to dismiss. You first state the facts. Assume the facts as presented by the gentleman from New York. A sells to B a thousand yards of blue serge worsted cloth and the contract provides that B shall have the right to check up on the color and shape, and while he checks up he finds the cloth is not made in accordance with the provisions, or what he believes are the provisions, of the contract. B may call A into court and ask the court to declare whether it shall be worsted or wool, or what.

The purpose is not to put A to the expense of manufacturing all the cloth and taking the chances whether it is in accordance with the contract or not. It is not the purpose to put B to the risk of waiting until delivery of the cloth is made and then finding himself with a consignment of goods he did not order and can not use.

So that if you have a contract, if you have a controversy and the court has jurisdiction you can bring in the interested party. As I understand the purpose of declaratory judgment it should not be necessary to obtain the consent of the other party.

Mr. NEWTON. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. NEWTON. Was the language in the bill taken from any State statute?

Mr. LAGUARDIA. I think it is very much like some of the State statutes.

Mr. NEWTON. What I am getting at is this, if the language in lines 9 and 10, on request of the interested parties for such declaration—if that is in an existing statute and has been construed by some of the courts, of course, we may know whether it means any party or all parties, but if there is no such decision construing that language certainly this House ought to be sure of its position and either say all or any.

Mr. LAGUARDIA. I construe it to mean any interested party may bring in the other party.

Mr. STOBBS. Let me say to the gentleman that I am going to offer an amendment to that effect.

Mr. CELLER. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. CELLER. The way the bill reads it is not necessary to have all the interested parties initiate the proceedings.

Mr. LAGUARDIA. That is the intent of it as I understand it.

Mr. DYER. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. STOBBS] to offer an amendment.

Mr. STOBBS. Mr. Speaker, I am going to offer an amendment, but before it is read let me say in reference to the testimony of Mr. McChesney that has been quoted, he says:

It seems to me the language might well be modified to read "on the request of any interested party."

That is the gentleman who introduced a bill before the committee.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. As I understand it, the gentleman from Missouri yielded the floor for amendment. Under the rule he must yield the floor if he yields it for an amendment. He has the right under the rule to yield time, but not for the purpose of offering an amendment. When the amendment is offered the floor goes to the one who offers the amendment, and so the gentleman from Missouri has no right to the floor.

The SPEAKER. Does the gentleman from Massachusetts offer his amendment to be read for information at this time?

Mr. STOBBS. Yes.

The SPEAKER. The Chair understood that that was the procedure. The Clerk will read the amendment for information.

The Clerk read as follows:

Amendment by Mr. STOBBS: Page 1, line 10, after the word "of," insert the words "any of the," so that the line will read: "on request of any of the interested parties."

Mr. DYER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. DYER. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, of course it is impossible for anyone to discuss a bill of this kind in two minutes. Therefore I shall yield back the time.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DENISON] may have five minutes, regardless of the hour.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Illinois may proceed for five minutes, regardless of the hour. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, of course, I have not had the same opportunity to consider this bill that the members of the committee have had, and still there seems to be a very marked difference of opinion among the members of the committee. Any legislation that changes the regular procedure in our courts, I think, is of such importance that it ought not to be passed without very careful consideration. This legislation is more or less revolutionary in its character. We have never had such procedure as this before in the United States courts. We are authorizing a departure from the ordinary procedure. I do not know how this has worked in those States where they have laws of this kind. I know that in the State that I have the honor to represent in part there is no such procedure. I rise merely to express my misgivings in regard to it. The power to bring a person into court in a legal proceeding is a very great power. Whenever one person has a right to bring another into court over a controversy, and he exercises that right, he puts that other person then and there to an expense, and nowadays it is getting to be a very heavy expense. We are here by this bill conferring additional powers upon people to bring others into court. When you authorize one party to bring another into court, merely because there is a difference of opinion between them with reference to the construction of a contract, or a controversy between them in respect to property rights, that means that the other party has to employ counsel, and has to give his time, and in other ways incur heavy expenses, merely at the wish of the one who brings him into court, when there may be no litigation, but merely a difference of opinion. If we are going to approve this new procedure, I think we ought not to go so far as has been suggested. If it is going to be permitted at all, it ought to be permitted only upon the consent and agreement of all of the parties. I think you will be going a long way when you do that. I know that Members may not agree with me here, but I do not want this bill to pass without taking this opportunity in these few words of expressing my misgiving in respect to it, and to suggest that I think you are going too far when you authorize one party to bring in perhaps 50 others and compel them to employ counsel, when they may not want to go into court at all, when they might rather compromise the case than go into court and incur that expense.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. JOHNSON of Texas. If we do not amend the bill so as to require the matter to be brought by the consent of all of the parties, would it not amount to piecemeal litigation? I am like the gentleman, and think there should be an agreement

of all of the parties before this preliminary determination of any question can arise. Otherwise would it not mean we would increase the opportunity for litigation and have only piecemeal litigation?

Mr. DENISON. I think so. I think we ought not to authorize one party to bring others into court, merely because that one party wants to, or because there is a controversy or difference of opinion among them on questions of law or fact.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. GILBERT. But can not I sue anybody in the United States that I want to?

Mr. DENISON. You can, if the other party has violated your rights, if there is a cause of action; but now you are authorizing that to be done before there is a cause of action, and we ought not to do that except upon the agreement of all of the parties.

Mr. LAGUARDIA. I can go into a court of equity and prevent anybody from violating my rights in anticipation of the breach.

Mr. DENISON. That is a recognized procedure in equity jurisprudence, where irreparable injury is threatened, but the gentleman is lawyer enough to know that that is not pertinent to this question.

Mr. LAGUARDIA. It is one step toward it.

Mr. GILBERT. Let us say that it is desirable for me to borrow a lot of money on a piece of property. There is no irreparable injury threatened because the man does not have to loan me the money, but he is willing to do it, if my title is all right. I ought to be permitted to go into court and have that determined.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. NEWTON. Mr. Speaker, I ask unanimous consent that his time be extended for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GILBERT. Here is an actual controversy that occurred in my State. A party heavily indebted with numerous creditors found a company that was willing to loan the money.

The company was in doubt as to the title. It had none of the ordinary remedies provided by law because it had not even gone into the transaction, but it was willing to go into the transaction, and it was highly desirable to a great number of creditors that an arrangement be made. The company merely came into court and filed its petition under a declaratory judgment to find out what her interest in that title was, and the court having determined that the title was good, the company then loaned her the money; and in that way a lot of people were saved and it protected everybody.

Now, if you are going to make it dependent on the agreement of everybody, you have practically destroyed the effect of your legislation, because, as suggested by the gentleman from Virginia [Mr. MONTAGUE], if they are all of them agreeable, they could probably agree without going into court.

Mr. DENISON. Yes. That is what they ought to do. Would it not be better than to have to employ counsel and go into court? Would it be right for one party to have the right to compel the others to go to that expense when no cause of action had yet arisen?

Mr. GILBERT. Yes. But courthouses are not made for people who can agree, but for people who can not agree.

Mr. DENISON. I understand that.

Mr. O'BRIEN. Would it not be possible for one litigant to secure long delays in the settlement of controversies by requesting an interpretation of the contract?

Mr. DENISON. I am sorry I did not understand the gentleman.

Mr. O'BRIEN. I am a new Member and have not got the acoustics of this building yet. I am asking whether or not, if this is permitted and one of the parties can request the remedy herein offered, it might be used as a vehicle for long delays of litigation; that is, putting off the evil day for settling the matters in controversy until certain matters should arise upon the petition?

Mr. DENISON. I confess I have not had the experience in this kind of procedure necessary to enable me to answer that question intelligently.

Mr. O'BRIEN. I think it is a matter that should be considered. I am very favorable to the declaratory judgments if they are not used as a vehicle for delay.

Mr. DYER. I do not think it can be so used. It will be adjudicated by the court, and it will only be by appeal.

Mr. O'BRIEN. It is declaratory of that question. I raise the question—not a moot question, but I raise that question. Perhaps there is nothing in it. Questions of that kind are often raised. While that is undetermined the merits of the case are not determined.

Mr. WELLER. Is it not a fact that it merely provides permission to go to court before judgment is made declaratory upon any interested party to state a cause of action and get an interpretation of law as it may be applied?

The SPEAKER. The time of the gentleman has expired.

Mr. WELLER. May the gentleman have one-half minute more?

The SPEAKER. Is there objection?

There was no objection.

Mr. WELLER. And then without any stay or any power compelling either party to make an adjudication the rights of appeal are preserved, without intermediate delay or infringement on the rights of the parties.

Mr. HOCH. The gentleman from Texas [Mr. SUMNERS] said a moment ago that under his interpretation the right arises under this bill before any cause of action existed at all, and the gentleman contends that this is only pertinent where a cause of action does exist.

The SPEAKER. The time of the gentleman has again expired.

Mr. DYER. Mr. Speaker, this bill was prepared by the American Bar Association, and it has been before the Committee on the Judiciary a number of times, and we have had hearings on it. The bill as it is presented to this House is in itself a new departure in practice in Federal courts, and I doubt the wisdom of going any further than the bill provides. If it is found to be advantageous in the settlement of controversies where matters have been brought into the courts of the United States, it can be enlarged so that any party can take advantage of it. But now it provides that all interested parties must be in accord and in agreement before advantage can be taken of this provision of the law.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. JOHNSON of Texas. Does the gentleman contend that the bill as now written requires all interested parties to participate in the request?

Mr. DYER. Yes; it so says on line 10 of page 1.

Mr. JOHNSON of Texas. It says "on request of interested parties."

Mr. DYER. It says "the said court upon petition shall have jurisdiction to declare rights and other legal relations on request of interested parties."

Mr. JOHNSON of Texas. Does the gentleman think that would be sufficient to apply to all the parties?

Mr. RAMSEYER. All interested parties must agree. Then what is meant by the language on page 2, line 6, where it says:

> If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party, whose rights have been adjudicated by the declaration, to show cause why further relief should not be granted forthwith.

Mr. DYER. That is in case, Mr. Speaker, where the petition indicates whether a relief is necessary. But to get into court all interested parties must come in. This is for a subsequent proceeding.

Mr. RAMSEYER. Then, in subsequent proceedings, you do not need the consent of all the parties?

Mr. DYER. No. I think the bill should be passed as it is presented, because I do not believe we should go wider afield than the bill provides.

Mr. NEWTON. Might not a substitute be offered for the amendment of the gentleman from Massachusetts [Mr. STOBBS]?

Mr. STOBBS. I will offer an amendment.

Mr. NEWTON. The gentleman's motion would preclude the offering of any amendment whatever.

Mr. DYER. Mr. Speaker, I will withdraw the motion if the gentleman wishes to offer an amendment.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Minnesota for the purpose of offering an amendment?

Mr. DYER. I do.

Mr. STOBBS. Mr. Speaker, I offer my amendment at this time before the moving of the previous question.

Mr. NEWTON. Mr. Speaker, I have sent to the Clerk's desk a substitute for the amendment offered by the gentleman from Massachusetts.

The SPEAKER. The Clerk will report the substitute offered by the gentleman from Minnesota.

Mr. DOWELL. Mr. Speaker, a point of order. The bill has not been read for amendment.

The SPEAKER. This bill is on the House Calendar, and the gentleman in charge on the floor yields for the purpose of permitting the gentleman from Minnesota to offer a substitute.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAMSEYER. Are not two hours of debate provided for under the rules?

The SPEAKER. Not in the case of a bill on the House Calendar. That is in the case of a bill on the Union Calendar.

Mr. RAMSEYER. What time has been consumed?

The SPEAKER. The gentleman from Missouri was entitled to one hour, and at any time during that hour he could move the previous question. He has yielded to two gentlemen for the purpose of offering amendments.

Mr. RAMSEYER. Has the hour expired?

The SPEAKER. The hour is about to expire. The gentleman has moved the previous question, but has withheld it temporarily.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the time may be extended 15 minutes.

Mr. CELLER. Mr. Speaker, reserving the right to object, I would like to have 1 minute, and I move that the time be extended 16 minutes.

Mr. DOWELL. Mr. Speaker, I make the point of order that the gentleman from Missouri can not hold his previous question.

Mr. DYER. I have withdrawn that.

Mr. DOWELL. The previous question certainly can not be held by the gentleman from Missouri.

The SPEAKER. The gentleman from Missouri, as the Chair understood, withheld his motion for the previous question and now asks unanimous consent that his time be extended 15 minutes.

Mr. CELLER. Mr. Speaker, reserving the right to object, I ask that it be extended 16 minutes and that I be given 1 minute.

Mr. DYER. I will give the gentleman 1 minute out of the 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, in order that we may know the question to be talked about, I ask unanimous consent that the amendment offered by the gentleman from Massachusetts and the substitute offered by the gentleman from Minnesota be reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Massachusetts and the substitute offered thereto by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. STOBBS: Page 1, line 10, after the word "of," insert the words "any of the."

Amendment to the amendment offered by Mr. NEWTON: Page 1, line 10, insert in lieu of the Stobbs amendment the words "all of the."

The SPEAKER. The gentleman from Missouri is recognized for 15 minutes.

Mr. DYER. Mr. Speaker, I yield two minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker and gentlemen of the House, I have listened carefully to everything that has been said on this bill. I am interested in improving our judicial procedure, simplifying it, making it more easy to dispose of litigation and bringing about justice between parties that have controversies.

Undoubtedly the members of the committee of the American Bar Association who wrote this bill knew what they were driving at when they presented this bill to the Judiciary Committee. After listening carefully to every speech here—and most of them were made by members of the Judiciary Committee—I think I state a fact when I state that no two members of the Judiciary Committee agree on the meaning of the bill.

I think this bill should have further study and consideration by the Judiciary Committee, so that when it comes back the members of the Judiciary Committee can get up here, at least two of them together, and say that the bill means so and so. [Laughter and applause.] I can not support a measure when not even two members of the committee can agree on its meaning. Unless somebody else does so, when the proper time comes I intend to make a motion to recommit this bill to the Committee on the Judiciary. A motion to strike out the enacting clause would be in order, but I do not want to kill this proposal. However, I think it should have further study from the Committee on the Judiciary, and for that reason I shall move to recommit the bill at the proper time.

Mr. DYER. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Speaker, I agree substantially with the gentleman from Iowa. If there is anything that can be done to simplify the proceedings in our courts and make the rendering of justice more certain and speedy, I want to see it enacted. However, in our efforts to do so we ought to be very careful that we are doing that and not the reverse.

It seems to me to be perfectly clear, after glancing over the hearings, that the witnesses disagreed on the language of the bill. Mr. Henry W. Taft, a very eminent lawyer of New York, was of the opinion that the language made it coercive and that one party could bring all of the other parties into court. Now, the opinion of Mr. McChesney, another witness, as was brought out by the gentleman from Illinois, was just the contrary.

Mr. DENISON. Yes. Will the gentleman yield?

Mr. NEWTON. Yes; I yield to the gentleman.

Mr. DENISON. The testimony of Mr. Taft was given during a former Congress, and I do not know whether he was testifying about this bill or a bill that may have been different.

Mr. NEWTON. That is not clear from the hearings.

Mr. MONTAGUE. It is the same bill.

Mr. NEWTON. Then that clears that point up.

It seems to me we ought to at least make certain what is now uncertain. So the gentleman from Massachusetts [Mr. STOBBS] has offered his amendment carrying out the idea that any party can bring in the interested parties, and the amendment I have offered strikes out "any of the parties" and inserts in lieu thereof "all of the parties."

It seems to me as long as this is new and rather novel—at least it is that way to me—because we have no provision of the kind in my State—it seems to be in starting this in the Federal courts we could very well restrict it so that all the parties must come in before they can invoke the power of the courts to declare a judgment.

Mr. DOWELL. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. DOWELL. In other words, the gentleman's amendment will give the court the right to arbitrate the matter when they come before it prior to any litigation that may be brought.

Mr. NEWTON. That is approximately correct; and it seems to me that is as far as we should go.

Mr. DOWELL. I think the gentleman's amendment would be perfectly safe, but I think the amendment offered by the gentleman from Massachusetts [Mr. STOBBS] might be a very dangerous one.

Mr. NEWTON. Furthermore, in line 9 of the bill they have jurisdiction to declare "rights" and "other legal relations." This is a phrase that may mean a whole lot or it may mean very little. Some of us are rather fearful as to just what may be contained within that phrase, as it will be construed by the courts. It again illustrates the necessity of restricting rather than increasing the jurisdiction.

Mr. DYER. Mr. Speaker, I yield to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, so that the House might more clearly understand this bill, I restate it:

Be it enacted, etc., That the Judicial Code approved March 3, 1911, is hereby amended by adding after section 274C thereof a new section to be numbered 274D, as follows:

"SEC. 274D. (1) In cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction, the said courts upon petition shall have jurisdiction to declare rights and other legal relations on request of interested parties for such declarations whether or not further relief is or could be prayed, and such declarations shall have the force of final decree and be reviewable as such.

"(2) Further relief based on declaratory decree may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaration to show cause why further relief should not be granted forthwith.

"(3) When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict be required or not.

"(4) The Supreme Court may adopt rules for the better enforcement and regulation of this provision."

A enters into a contract with B for the manufacture of a thousand tables at a certain price. Before A buys the material a controversy ensues as to whether or not the wood to be used is to be oak or cedar. A says it is oak. B says it is cedar. The contract itself is not clear. Under our present system, A would make up the tables of oak and take his chances upon a recovery for the price of same in a lawsuit after B had rejected them. The judgment of the court might be adverse to A in that the court construed the contract to mean cedar

tables. A thus stands a great loss. He has a thousand unsold tables on his hands. If they are unusual or unique tables, he may never sell them.

How much better it would have been if A could come into court at the threshold of the dispute, before he bought all of the wood, and asked the court to declare a judgment that the contract meant either cedar or oak. That decision would be a declaratory judgment.

A and B, as owners, enter into an agreement to make a mineral lease with C as tenant. Subsequently it is claimed that A has only a life interest in the property and is not able to make or become a party to the lease. C wants the lease. If he takes it, he does so at his peril, because A might die during the term of the lease and his heirs at law might raise objection. If C could go into court and procure a declarative judgment he would be taking no chances. The court would first determine the respective rights of the parties and would declare a life tenant or owner in fee.

The above-stated facts are the exact facts in the Kariher case in the supreme court of Pennsylvania, September 23, 1925. In holding the Pennsylvania declaratory judgment statute constitutional (131 Atlantic Rep. 268) the court in the Kariher case said:

The distinctive characteristic of the declaratory judgment is that the declaration stands by itself; that is to say, no executory process follows as of course. Again, in order to obtain a declaration, it is not required that an actual wrong should have been done, such as would give rise to an action for damages, and no wrong need be immediately threatened, such as would be the proper basis for an injunction. In other words, a "cause of action," in the sense in which that term is ordinarily used, is not essential to the assumption of jurisdiction in this form of procedure. It is upon these characteristics of the declaratory judgment that the chief constitutional attacks have been based; its rights and obligations contemplated by the act represents the exercise of a nonjudicial duty, which the legislature can not place on the courts, and that, since such declarations do not necessarily include the right to execution, they are not judgments at all, but represent the mere giving of advice, rather than the adjudication of controversies, etc.

And then it goes on to say:

In considering these contentions, it may first be noted that there are many judgments under present forms which do not include the right to execution, except possibly for costs; and the present declaratory judgment practice involves an award as to costs (see sec. 10 of the act); moreover, under the act before us (sec. 8), execution, or "further relief," based on a declaratory judgment, may be had where appropriate and allowed by the court. Next, it may be noted that, since the numerous jurisdictions enjoying this practice all hold that a real controversy must exist, that moot cases will not be considered, and that declaratory judgments are res judicata of the points involved, such judgments can not properly be held merely advisory.

For many years the New York practice permitted executors or trustees under wills to go before surrogates to have wills or trusts interpreted. An executor doubtful of his rights or duties under a dubious clause or clauses of a will can ask the surrogate to "declare" the exact meaning of the clause or clauses in questions so that those rights or duties might be made clear. Otherwise he would take his chances and proceed in the dark and risk an attack upon his accounting. In other words, after the damage has been done an action would lie by the heirs or beneficiaries against him by taking exceptions to his acts upon the accounting. That is avoided by the declaratory judgment which the executor may invoke to avoid subsequent mistakes and difficulties.

Declaratory judgment enables persons in advance of subjecting themselves to a suit for damages to determine what they ought to do. The same protection afforded the trustee under a will should be accorded the manufacturer or business man.

Prof. Edwin Borchard, Yale University School of Law, has given concrete definition of declaratory judgment:

The declaratory judgment, it will be recalled, enables parties who are uncertain of their legal rights, and are pecuniarily or otherwise prejudiced by actual or potential adverse claims by others, to invoke the aid of the courts for the determination of their rights before an injury has been done.

It is as a measure of preventive justice that the declaratory judgment has its greatest efficacy. It is designed to give the parties opportunity to ascertain and determine their legal relations and to act accordingly, and thus avoid future trouble and litigation. Security thus takes the place of uncertainty. Of course, the court must be convinced that its judgment will serve a useful and practical purpose in quieting or making certain disputed jural relations either as to present or future obligations. The instant bill provides that there must be real issues. There must be actual controversy. The question must not be moot or hypothetical. The bill provides that the Supreme Court may adopt rules and regulations. Such rules would probably include the requirement of affidavits and proof that the parties are acting in good faith and that there is an actual dispute.

The practice of declaratory judgment has been a common one in Europe for many years. It is a heritage of the Roman law and prevails in most South American countries. The canny Scots have used it for more than four centuries. It has been universally used in England for 40 years and has been adopted in some 20 of our States. The State of New York recently revised its code of civil procedure and inaugurated many reforms. Among others it provided for the reform of declaratory judgment. It ought to be made part of the Federal system of justice.

Industrial and social relations in this country are becoming more intricate, complex, and diversified. Our judicial system must expand with these changes. These various relationships in industry, commerce, and social endeavor give rise to many wrongs. There should be a corresponding increase of judicial remedy. The remedy of declaratory judgment should be added to existing remedies. It will be universally acclaimed by the bar. American Bar Association as well as the National Conference of Commissions on Uniform State Laws have approved.

In our Federal system the procedure of declaratory judgment would be widely used. In countries where it obtains it is frequently made use of.

Thus claimants to a right of way, to subterranean support of surface lands, to the use of the foreshore, and to the unimpeded flow of water have brought declaratory actions to confirm their claims. On the other hand, the owners of land have sought declarations of privilege and right to the effect that defendants had no right of way, no right and no privilege to run their rain water on plaintiff's land, or to send their sewage through plaintiff's sewer, no easement of light, or no servitude over plaintiff's land.

Questions of title to personal property may likewise be tried by declaratory action, either in the affirmative or in the negative form. Thus, during the present war the British Admiralty has frequently requisitioned ships under charter, and the question as to the respective right of owner and charterer to the compensation due has been settled by declaratory action between the two claimants. Conflicting questions of title to certain funds as between private individuals, or between private individuals and the Government, or of title to specific chattels, may be determined by declaratory judgment. Questions of priority of different classes of creditors, e. g., mortgages and material men of a ship, and adverse questions of title to choses in action, have also been determined by this procedure. Declaratory actions have been brought to try the title to such authorized monopolies as patent, copyright or trade-mark privileges, and other franchises.

The bill was presented by the Judiciary Committee, but only in consideration that the bill be amended so that any one of the interested parties shall have the right to invoke the court's aid. As it now reads, all the interested parties must first agree to have the court declare the judgment. The provision should not be merely voluntary upon consent of all parties. It should be coercive. If one party wants a declaratory judgment, he shall have it. He summons the other party or parties as in the ordinary cause of action at law or in equity. As, particularly in equity cases, any interested party may be plaintiff and then the court has the right to bring all parties in, so in the declaratory judgment procedure anyone may sue and ask the court to bring all other interested parties in. Unless there is this coercion the declaratory judgment will lose most of its effectiveness and its use would be very limited.

Mr. DYER. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on the substitute offered by the gentleman from Minnesota.

The substitute amendment was agreed to.

The SPEAKER. The question is on the amendment of the gentleman from Massachusetts as modified by the substitute.

The amendment, as modified by the substitute, was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RAMSEYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Iowa [Mr. RAMSEYER] offers a motion to recommit. The Chair assumes the gentleman is opposed to the bill?

Mr. RAMSEYER. I am.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. RAMSEYER moves to recommit the bill to the Committee on the Judiciary.

The SPEAKER. The question is on the motion to recommit of the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. DYER) there were—ayes 51, noes 32.

So the motion to recommit the bill was agreed to.

ADDITIONAL CIRCUIT JUDGE FOR SIXTH JUDICIAL CIRCUIT

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 8229) for the appointment of an additional circuit judge for the sixth judicial circuit.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter there shall be in the sixth circuit four circuit judges, to be appointed and to have the powers, salary, and duties prescribed in section 118 of the Judicial Code, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SALARY OF MARSHAL OF THE SUPREME COURT

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 8725) to amend section 224 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 224 of the Judicial Code be, and it is hereby, amended to read as follows:

"SEC. 224. The pay of the marshal and that of the assistants and other employees appointed by him, with the approval of the Chief Justice, shall be fixed by the court. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an Associate Justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend court."

Mr. DYER. Mr. Speaker, I offer a committee amendment.

The SPEAKER. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 224 of the Judicial Code be, and it is hereby, amended to read as follows:

"'SEC. 224. The marshal is entitled to receive a salary of not to exceed $6,000 per annum, payable monthly, the same to be fixed by the court. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an Associate Justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade.'"

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Will the gentleman from Missouri yield me five minutes?

Mr. DYER. I yield five minutes to the gentleman from Michigan.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, we have just prior to this bill passed a very important and very desirable bill adding an additional judge to the sixth judicial circuit, which includes the State of Michigan.

Within a few months we have passed legislation adding an additional judge to the eastern circuit of Michigan, including the city of Detroit. The Attorney General, in charge of law-enforcement activities of the country, is represented in that eastern district by the United States district attorney. It may be appreciated, therefore, that the business of the United States district attorney for the eastern district of Michigan is of very great importance, as it requires three Federal judges.

Notwithstanding that, when Delos S. Smith resigned as United States district attorney a year ago—as I recall, he resigned in December, his resignation to be effective February 1, 1927—from the time his resignation became effective until now no regular appointment of a United States district attorney has been made to take his place. For a long time the office was without any actual head, and the business of the United States Government centering in that office was necessarily neglected.

A few weeks ago, about the 1st of December, as I recall, the Federal judges in that district were so disturbed by the conditions that had come into being, by the failure to make an appointment, that the court acting under the law made a temporary appointment of a United States district attorney. They selected Mr. O. L. Smith, very well fitted for the position, and if he were acting under a regular appointment with some assurance as to the continuity of his authority it would be an excellent appointment. But acting under an appointment that necessarily must be temporary, made by the judges, without confirmation by the Senate as is necessary in a regular appointment, the situation is anomalous and undesirable.

So there is no one regularly appointed to administer that office. There is a great amount of business which is suffering by reason of the failure to make the appointment. Factional controversies should not be permitted to hamper expeditious and effective performance of the public business in that highly important office.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRAMTON. I will yield.

Mr. MOORE of Virginia. Can the gentleman tell us if he knows the reason of the failure to make an appointment?

Mr. CRAMTON. I can only give my opinion as to that. There is factional politics more or less prevalent in Michigan as in Virginia and certain other States. I sometimes congratulate myself that I am in Congress but not in politics. Certainly I am not a party to any of the factionalism that is in my judgment responsible for the breaking down of the administration of Federal justice in Michigan.

The State of Michigan has one United States Senator who is a Republican, and with him I have not affiliated politically in such degree as to inspire my making this statement on his account. But under the practice that is followed as to Federal appointments in Michigan his recommendation, if a good recommendation, ought to be followed by the Department of Justice, and if his recommendation is not good some statement by the department ought to be made and some definite position ought to be taken by the Department of Justice.

I have expressed to the Department of Justice twice within the last six weeks the views I am now expressing and perhaps more frankly than would be proper to do here.

The Senator from Michigan [Mr. COUZENS] in my judgment is quite to be relied upon to make a proper recommendation, and I believe he has done so. I believe that he will recommend only a man whom he feels is competent to administer the office and whose attitude toward enforcement of the law is such as to insure proper administration of the office. I have never discussed this matter with him. I speak only from general knowledge that comes from a variety of sources when I say that as I understand it he long ago made a recommendation which has neither been accepted nor refused. There is some talk to the effect that the gentleman who now occupies the office under the extraordinary appointment, which is at best of a temporary nature, might be prevailed upon to accept the regular appointment, but that the conditions are not right to bring that about. I do not know personally the man who has been recommended by the Senator. I have no candidate in whom I am interested, but as a citizen of the State of Michigan I am interested in the enforcement of the laws of the United States in the Federal courts of Michigan, and that can not be had while the office of the United States district attorney is without a responsible and permanent head. I hope that factionalism will not longer be permitted to interfere with such an appointment.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. It is the duty of the President of the United States to make this appointment, is it not?

Mr. CRAMTON. The President of the United States is the Commander in Chief of the Army and the Navy, and has a great many other things to do. I assume that he can not give his personal attention to all of these things. There is no occasion for the gentleman from Texas to try to make political capital out of this.

Mr. BLACK of Texas. But the gentleman himself said that politics had to do with this matter.

Mr. CRAMTON. And the gentleman from Texas can not affect party results in Michigan or can not in any way affect the next presidential election. There is an attempt to play factional politics within the party in Michigan at present, and I speak simply in the interest of good administration, and frankly call attention to the situation in the hope that publicity may help to relieve it.

Mr. BLACK of Texas. We may as well lay the responsibility where it belongs, and that is at the door of the President of the United States.

Mr. CRAMTON. Which, of course, is not true.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Michigan suggested, I think, that one duty of the President of the United States which might interfere with his consideration of this appointment is that he is Commander in Chief of the Army and Navy, and I am wondering if the President is so interested in Nicaraguan affairs that he can not take time to appoint a district attorney in Michigan.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

STENOGRAPHERS IN UNITED STATES COURTS

Mr. DYER. Mr. Speaker, I call up the bill H. R. 9024, to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensations.

The SPEAKER. The gentleman from Missouri calls up the bill H. R. 9024. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan [Mr. CRAMTON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9024, with the gentleman from Michigan [Mr. CRAMTON] in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the district court of the United States in each district shall for the purpose of perpetuating the testimony and proceedings therein, appoint one or more competent stenographic reporters, as the business to be done may require, who shall be known as the official reporters of said courts and who shall hold office during the pleasure of the judges appointing them, or of the successors of said judges. Such reporters as may be appointed from time to time shall attend all sessions of or hearings before the said district courts, and shall upon the direction of the court or the request of either party in any civil or criminal action or proceeding take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

SEC. 2. Such reporters before entering upon the duties of the office shall be sworn to the faithful performance thereof.

SEC. 3. The transcript of the testimony and proceedings in any case when duly certified by such reporters shall be deemed prima facie a correct statement of such testimony and proceedings.

SEC. 4. The compensation of such stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the district court in each district. The compensation shall not exceed such as is now or may be hereafter provided by law in the State courts in the State in which such district court is held, if such law there be. Such compensation for services shall be paid to the stenographers herein authorized in the same manner as the salaries of the judicial office are paid. The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said court in each district. They shall not exceed such as are now or may be hereafter required to be paid to the State stenographers in the respective States in which said district courts are held, if any such there be.

Mr. DYER. Mr. Chairman, may I inquire of the gentleman from Texas [Mr. SUMNERS] if he desires to control some time?

Mr. SUMNERS of Texas. Mr. Chairman, some requests for time on this side have been made.

Mr. DYER. Then, I take it, Mr. Chairman, that the gentleman from Texas will control one hour and I will control one hour.

The CHAIRMAN. Under the rule, the time is to be divided between those in favor of the bill and those opposed it it.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman from Texas control one hour and that I control one hour; and I give notice now that I intend to yield to those in favor of the bill as well as to those who are opposed to it, on this side of the aisle, and I take it that the gentleman from Texas will do the same on his side.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time for general debate upon the bill be divided equally between himself and the gentleman from Texas. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, are we going to have two hours' debate on this little bill?

Mr. DYER. The request does not necessarily mean that. Debate can not go beyond two hours.

The CHAIRMAN. The rule limits the debate to two hours, and the request of the gentleman is that debate on the bill shall be controlled one-half by the gentleman from Texas and one-half by himself. Is there objection?

Mr. EDWARDS. I understand the request, and I have no objection to it.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. Mr. Chairman, this bill is for the purpose of providing stenographers for the courts of the United States, which they have not heretofore had and of which there is very great need. The bill is very simple and conforms to the practice in the various States in respect to salaries and fees.

I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I shall limit my remarks to just one feature of this bill. I do not believe there is any opposition to the appointment of stenographers in Federal courts. In some instances hardship has resulted from the lack of such stenographers. I know of a case not very long ago where a resident of New York was concerned in a case tried in Rhode Island; and the witnesses were brought there, and it was a rather important case to this man; and the case had to go over because there was no stenographer available.

What I am interested in is the method of appointment of these stenographers. I have a very strong letter here from the Civil Service Commission, and I shall put the whole of it in the RECORD. Mr. Chairman, I make that request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. The amendment which I shall offer will simply provide that the appointments shall be in accordance with the civil-service rules and regulations.

Now, it has been argued that these stenographers should hold office during the pleasure of the judges. I want to point out the fact that my amendment does not disturb that in the slightest degree. The commission suggests this amendment in preference to the requirement that appointments be made from eligible registers established by the commission or through examination, for the reason that such requirements may be too restrictive, in that it may interpret it to mean that a position could not be filled by the transfer of a classified employee from another branch of the service or the reinstatement of a classified employee.

Mr. WELLER. Are not these stenographers who are now taking testimony in the courts appointed by the judges? Do they not take an examination under the civil service?

Mr. LAGUARDIA. They will be appointed under the rules that the Civil Service Commission may establish in this case. They have to qualify before the Civil Service Commission.

Mr. WELLER. Would it not take away from the judges the appointments already made of these men and put them into the hands of the Civil Service Commission? Some of them have been doing faithful work for many years.

Mr. LAGUARDIA. In that case they would have no trouble in qualifying under my amendment at all. When this matter was before the committee in the Sixty-first Congress the present Chief Justice was President of the United States; and Mr. Taft said:

> I am decidedly in favor of the merit system and the classified civil service for shorthand reporters in all courts. I do not know of any branch or any profession to which civil service is so admirably applicable as it is to the profession of court reporter, and you can use my name in support of such a proposition. You can not put my views too strongly on this subject.

Former President Wilson said:

> I entirely favor civil service appointment for stenographic reporters. I do not see how the principle can fail to be recognized as the best in this field as in others.

Hon. George W. Wickersham, ex-Attorney General of the United States:

I am strongly of the opinion that the official system of reporting should prevail in the Federal courts. I think a higher standard of work can be procured from men who have passed the civil service examinations and who have been appointed by the merit system, and not through personal or political influence. My own experience with the civil service system while in public office satisfies me that, properly administered, it constitutes a great improvement in the efficiency of all branches of the Government.

Hon. Charles J. Bonaparte, ex-Attorney General of the United States:

I think all court stenographers should be selected by competitive examination and included in the classified service. Their duties are very important and responsible, and it is a matter of great consequence that they should be persons of great skill and experience, as well as of probity and good standing. I am always in favor of every judicious change in the law which reduces the number of positions bestowed through influence of favoritism and increases the number filled by reason of merit and fitness, ascertained by fair competition.

Hon. Frederick W. Lehmann, former Solicitor General of the United States and more recently one of the Mexican peace commissioners appointed by President Wilson:

I think reporting in the Federal courts should be done by official stenographers. I see no reason why they should not be appointed and be subject to removal by the courts in which they officiate. Appointments should be made for meritorious reasons and removals only for good cause.

Judge John Rollstab, of the United States district court at Trenton, N. J.:

I hope the day is not far off when we will have official stenographers in the Federal courts. I am strongly in favor of putting them under the civil service.

Judge Charles E. Wolverton, of the United States district court at Portland, Oreg.:

I am heartily in favor of placing stenographers in the Federal courts under the civil service. I think it would give better stenographic service, would be just to the stenographer, and give him something of permanency on the position.

Judge A. S. Sanborn, of the United States district court at Madison, Wis.:

I favor the plan to put Federal court stenographers under the civil service, chiefly for the reason that it will prevent the stenographers from losing their places on a change of the judge. While the position is a confidential one which many judges would prefer to fill on their own choice alone, I think the benefits of the civil service and of security of employment, not only to the employee but to the employer, far outweigh other considerations.

Hon. Alton B. Parker, formerly chief justice of the Court of Appeals of New York State:

There can be no doubt whatever of the wisdom and of the necessity of requiring all stenographers in the courts to pass civil-service tests. I am in favor of the proposed plan.

Hon. H. Snowden Marshall, former United States district attorney for the southern district of New York:

The present happy-go-lucky system in respect of reporting in the Federal courts can not last much longer, and if a law could be passed placing stenographers in these courts under the civil service, I think it would be a decided improvement. This highly important work should be put upon a more substantial and permanent basis. I think the civil service would be a solution of the problem.

Judge Edward T. Sanford, of the United States district court at Knoxville, Tenn.:

I think it would be an excellent plan to place stenographers in the Federal courts under the civil service. It would secure well-trained, efficient, and disinterested men to report the proceedings.

Judge Thomas I. Chatfield, of the United States district court at Brooklyn, N. Y.:

The appointment of official stenographers in the Federal courts upon a salary basis will, I think, prove a great relief to litigants who can ill afford the expense of taking testimony, where an appeal is not desired, and is seemingly one of the proper and necessary means of maintaining satisfactory procedure in court. I think the advantages will more than justify the increased expenditure.

Judge Julius M. Mayer, of the United States district court at New York, and formerly attorney general of the State of New York:

If appointments of official stenographers in the Federal courts are to be made, they should be made by the judges from eligible lists prepared by the United States Civil Service Commission.

Judge James E. Boyd, of the United States district court at Greensboro, N. C.:

I am of the firm conviction that Congress should enact legislation providing for official stenographers in the Federal courts in all cases, and that appointments to the positions thus created should be made after a thorough examination shows the appointees to possess the requisite qualifications. I hope the National Shorthand Reporters' Association will use its influence to bring about the legislation I suggest.

Hon. Francis Lynde Stetson, a distinguished lawyer of New York, who has had wide practice in the Federal courts:

I am heartily in favor of the extension of the civil service to cover the position of the stenographer in the Federal courts.

Judge John B. McPherson, of the United States court of appeals at Philadelphia:

I am in favor of having official stenographers in the Federal courts.

Hon. Samuel H. Ordway, a well-known lawyer of New York and president of the National Civil Service Reform League:

The establishment of the official system of reporting in the Federal courts would be a desirable and useful reform. The convenience of judges, lawyers, and litigants and the administration of justice generally would be promoted by the adoption of a system which will result in securing the most efficient and capable stenographers, unaffected by personal or political considerations.

It is generally admitted that the supreme court in the State of New York has most efficient stenographers, all of whom were appointed as the result of a very severe competitive examination. This scheme has worked well and is approved by everyone. It ought to be extended to the Federal courts.

I think it may fairly be asserted that the stenographic work done in our State courts is of a higher quality than in the Federal courts. Many persons feel that the abolition of the fee system in public offices results in a higher type of public service, and while such a change would undoubtedly add to the expense of maintaining and administering the Federal courts, I think it is conceded generally that the additional expense would be more than justified by the results.

Hon. Kenesaw M. Landis, the distinguished judge of the United States district court at Chicago:

Although I have not given much thought to the subject, I can see no objection to the plan of placing stenographers in the Federal courts under the civil service.

Judge James L. Martin, of the United States district court at Brattleboro, Vt.:

Federal court reporters should by all means be put under the civil service.

Judge George W. Ray, of the United States district court at Norwich, N. Y.:

If the Congress makes a law providing for official stenographers in the Federal courts, they should be placed under the civil service.

Judge John C. Rose, of the United States district court at Baltimore, Md.:

I think it would be the part of wisdom to put Federal court stenographers under the civil service. The less judges have to do with matters of patronage the better for all concerned.

Judge Frank S. Dietrich, of the United States district court at Boise, Idaho:

I think the plan to place stenographers in the Federal courts under the civil service would be entirely practicable and desirable in cases where the stenographer acts exclusively as a court official.

Judge Benjamin F. Keller, of the United States district court at Charleston, W. Va.:

I am most heartily and emphatically in favor of the civil service as applied to stenographers in the Federal courts. I am a firm believer in the practical utility of the civil service and should be most happy to have the aid of the United States Civil Service Commission in the selection of a stenographer for my court.

Of course, I am most immediately concerned in the still unsettled question as to whether we shall have an official stenographer at all (a consummation devoutly to be wished), but assuming that the bill becomes a law, I should hail as an added blessing the certification of fitness by the Civil Service Commission.

Mr. WELLER. Does President Wilson there refer to stenographers or to court reporters?

Mr. LAGUARDIA. To stenographic reporters.

Mr. WELLER. They might be court reporters or stenographers in an office.

Mr. LAGUARDIA. These extracts that I have received from the Civil Service Commission refer to stenographers.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. BURTNESS. Does the gentleman think the Civil Service Commission will be as successful in selecting good court reporters as they were in furnishing candidates for prohibition enforcement officers?

Mr. LAGUARDIA. Has the gentleman any doubt about that?

Mr. BURTNESS. I think the courts and district judges are familiar with the ability of stenographers and reporters in their territory, and they can exercise bettter judgment than can the commission by holding some sort of technical examination which includes a lot of foolish questions.

Mr. LAGUARDIA. Let me answer the gentleman's question. It does not at all follow that the Civil Service Commission will require an examination. They may require merely the submission of certain evidence respecting past experience and ability, and then the choosing of stenographers for the courts is entirely with the judges. The commission will submit three names. If the judges do not like the three names, they will submit three more; and if the judges do not like those three, additional names will be submitted; and the selection is left entirely with the judges, and it gives everyone an equal chance.

Now, in reply to the gentleman's second statement, I went down to the Civil Service Commission and I looked at these papers which were used in the civil-service examination for prohibition officers, and if anyone is so dull that he could not answer those simple questions, I do not believe he has any kick coming if he was not declared qualified. I will say to the gentleman that 50 per cent of the papers had the answers there. They have five answers, one correct and four incorrect, and all the candidate had to do was to write down the number of the correct answer; and I can not imagine any intelligence test that would be better adapted to testing the intelligence of a human being than those questions which the gentleman referred to.

I went there believing that, perhaps, it was a very difficult and tricky examination, but it was not. It was not tricky; it was not difficult; it was simply the test of a mediocre, ordinary intelligence of a grammar-school boy and nothing else.

Mr. BURTNESS. The gentleman referred to the fact that an eligible register was to be furnished. Can the gentleman tell us whether, if his amendment should be adopted, that eligible register would consist of the names of those from the State or general community in which the vacancy exists, or would it be a register giving eligibles that might have qualified anywhere in the country?

Mr. LAGUARDIA. Of course, if you did that I can readily understand, upon an intelligence test, where New York would have an edge. I can very well understand that, but I do not think that will be the case.

Mr. BURTNESS. If that should be true in New York with respect to court reporters, would it be true in New York with respect to prohibition agents?

Mr. LAGUARDIA. I give way to North Dakota on that, but I believe the Civil Service Commission would classify these men according to judicial districts.

Mr. BURTNESS. Does the gentleman's amendment contain that sort of a suggestion?

Mr. LAGUARDIA. No; my amendment simply provides that these appointments shall be made in accordance with civil-service regulations. I want to point out, in anticipation of an objection that may be raised, that my amendment does not require that a stenographer not satisfactory to a judge should be put on trial. I do not interfere with the privilege of removal by the judges.

Mr. STEVENSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STEVENSON. I want to ask the gentleman a question with reference to that very point. When a man acquires a civil-service status and is appointed to a position under the civil service, there would have to be certain procedure to get clear of him. Now, a stenographer may be absolutely competent so far as taking testimony is concerned, but temperamentally he may be such that he might become objectionable both to the bar and the judge, not because of any infirmity you can lay your hand on, but because of his general demeanor. Does not the gentleman think the judge ought to have the right to remove him at any time?

Mr. LAGUARDIA. He has. Let me read what the Civil Service Commission says about that.

Mr. STEVENSON. I want to know that before I vote for the gentleman's amendment.

Mr. LAGUARDIA. I can answer that. This is a communication from the Civil Service Commission:

> The commission, however, desires to call your attention to requirements of the removal rule. An appointing officer is permitted to remove any classified employee for such cause as will promote the efficiency of the service, but reasons in writing must be given the employee, and he is given sufficient time to make a reply in writing. No trial or hearing is necessary unless the removing officer desires it. Contrary to general opinion, the commission has no authority to investigate a case of removal unless it is alleged with offer of proof that the removal is made for political or religious reasons or the employee was not furnished in writing the reasons for his removal.

Mr. STEVENSON. Then, if a man were contentious he could file a claim with the Civil Service Commission to the effect that he had been improperly removed and ask for a hearing?

Mr. LAGUARDIA. No. The communication goes on to answer that.

Mr. STEVENSON. That is what they say; but I want to know the law of the case, and what the gentleman has already read suggests to me that there could be a trial.

Mr. LAGUARDIA. They are bound by what they say.

> It will be seen that there is no rule which requires the retention of an inefficient employee. This is called to your attention not with a view to having the cause relating to removal inserted unless you believe such action advisable, but for your information.

I do not believe there is any doubt about that. I will say to the gentleman from South Carolina that no one has been a stauncher supporter of proper appointments under civil-service rules than has the gentleman, because he has had some pretty sad experiences in his State.

Mr. STEVENSON. I have tried to regulate some of them; but as to this proposition, the other question I want to ask the gentleman is this: There is a provision in the bill to the effect that the salaries shall not exceed the salaries paid to State stenographers. Does not the gentleman think it would be better for us to fix the salaries so that the salaries may be uniform all over the United States? What is the sense of having a polyglot system like that, where one State may pay $2,000, another $3,000, and another $2,500? If we fix the salaries in the bill then the men who are appointed will get the same salaries, whether they are from South Carolina, New York, or Massachusetts.

Mr. LAGUARDIA. I think the chairman of the committee will answer that fully; but the answer is this: You can not pay a court stenographer who sits every day of the year from morning until night, because the court is in session every day, the same salary that you would pay a man in a jurisdiction where the court sits at stated times. That is the difference. If the gentleman wants to make a uniform scale of salaries for this work, of course he can do so, but there is no comparison in the various jurisdictions. You take the southern and eastern districts of New York. There we have five or six parts going every day, and the stenographers are working every day, while in another part the court holds terms at stated times, and during the rest of the time the stenographer is not engaged at all.

Mr. McSWAIN. In order that we may understand exactly what we are providing for, is it the gentleman's understanding of the provision that is written at the bottom of page 2 and the top of page 3 that if this should become a law the stenographers would receive the flat salary or per diem that is provided by the various States, to be paid out of the Treasury of the United States, and that, in addition thereto, these stenographers might charge the parties to the action fees for the services rendered in the particular cases? Is that the contemplation of the committee as expressed by the language employed here?

Mr. LAGUARDIA. It is the practice in courts when the parties to litigation want the minutes to pay so much a folio for them. Even in our State courts, where the stenographers are paid very handsomely, when we order the minutes written up we have to pay for them.

Mr. McSWAIN. But this does not say fees for transcribing testimony. This says "fees," and there would be no limitation upon the fees. The judge could very easily say, "Now, gentlemen, if you wish this stenographer to operate in this case you must put up $25 as a cash deposit on each side."

Mr. LAGUARDIA. I do not think that is intended at all. The following letter came to me from the United States Civil Service Commission:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 16, 1928.

Hon. FIORELLO H. LAGUARDIA, M. C.,
House of Representatives.

MY DEAR MR. LAGUARDIA: Your interest in the proposed legislation relating to the employment of stenographers in the courts of the United States is very much appreciated by the commission. It is pleased to give you additional information that may be of use to you and assures you that further information will be gladly furnished upon request.

In the event it is felt there would be objection to requiring removals made in accordance with the civil-service rules and regulations, the bill may be amended to require that appointments be made in accordance with the civil-service rules and regulations and no reference made to the manner of making removals.

The commission has been furnished with a copy of H. R. 9024, introduced by Mr. GRAHAM, which is similar to H. R. 5559, and the commission makes the suggestion that H. R. 9024 be amended to read as follows: Add after the word "appoint," line 5, the first page, "in accordance with the civil-service rules and regulations." The commission suggests this wording in preference to the requirement that appointment be made from eligible registers established by the commission or through examination for the reason that such requirement may be too restrictive in that it may be interpreted that the position could not be filled by the transfer of a classified employee from another branch of the service or through reinstatement of a classified employee. This does not require removals in accordance with the civil-service rules and regulations. This is covered by line 8 of the first page, which states that the official reporters shall hold office during the pleasure of the judges appointing them or the successors of the said judges.

The commission, however, desires to call your attention to requirements of the removal rule. An appointing officer is permitted to remove any classified employee for such cause as will promote the efficiency of the service, but reasons in writing must be given the employee and he is given sufficient time to make a reply in writing. No trial or hearing is necessary unless the removing officer desires it. Contrary to general opinion, the commission has no authority to investigate a case of removal unless it is alleged with offer of proof that the removal is made for political or religious reasons or the employee was not furnished in writing the reasons for his removal. It will be seen that there is no rule which requires the retention of an inefficient employee. This is called to your attention not with a view to having the cause relating to removal inserted unless you believe such action advisable but for your information. It is advisable, however, to separate only for a good reason as it is not always possible for one reporter to read the notes of another reporter though the same system of shorthand reporting is followed. The reference to old notes sometimes causes trouble if the reporter at that time has left the vicinity.

The appointment of court reporters through civil-service examinations is neither new nor experimental. Reporters for testimony of proceedings in the State of New York have been successfully and satisfactorily selected as the result of competitive examination since 1896. The commission has been informed that in every instance a fully competent court reporter has been obtained as a result of the examination established by the State civil service commission. Qualified eligibles have also been secured by this commission in connection with similar work of the Federal Government. Employees appointed under civil-service rules and regulations have been assigned to such work as hearings of claim boards, investigations, etc.

In many instances a judge is not in a position to determine which stenographer of a number of applicants would be the best qualified. In some instances selections are made of a person readily available or for political or personal reasons. The importance of this work should make the selection of the best qualified eligible necessary. The commission has examined stenographers for a period of years and it is believed you will find that the results have been satisfactory. The employing of reporters who are not qualified to satisfactorily perform the duties of the position may result in considerable expense and inconvenience. Reference is made to such a condition in a statement made by Mr. Fred Ireland, an official reporter of debates, House of Representatives, on May 6, 1912, before a subcommittee of the Committee on the Judiciary. It appears that a subcommittee of the Judiciary Committee went to a Southern State in connection with an investigation. The man who was assigned to the duty of taking the testimony was not a qualified reporter, and as a result there was so much of the testimony omitted the committee agreed that it was impossible to proceed on the record. There was considerable delay in order that the testimony of the respondent could again be secured. This, of course, resulted in the holding up of important legislation. This is an unusual case, but there should be no objection to reducing the possibility of a similar condition to a minimum.

The examination to be held for this position would be on the identical work the reporter is to perform—rapid, accurate writing of court matter, accurate and rapid transcription of the notes, and possibly oral reading of portions of the stenographic notes, the same as to a court or jury.

Perhaps the strongest reasons for favoring the requirement that appointments of court stenographers be made in accordance with civil-service rules and regulations will be found in the inclosed memorandum. The statements made by the Chief Justice of the United States Supreme Court, by former President Wilson, former ex-Attorney Generals, and a number of judges and lawyers are convincing. It is only fair to the presiding judge, to the jury, and to all parties concerned to have only the best court stenographers available to make an accurate report of a case.

After considering the matter from the various angles, the commission feels that better qualified court stenographers can not be secured through any other system or method, and is willing to assume the responsibility of securing qualified court stenographers.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry. This bill will be read under the five-minute rule?

The CHAIRMAN. The bill will be read under the five-minute rule.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GILBERT. Mr. Chairman, the Courier-Journal of Louisville, Ky., is one of the old, honored, conservative papers of the United States. It has very able editorial writers now and has in the past had such geniuses of journalism as Watterson and Prentiss.

I want to read as a part of my remarks an editorial of the Courier-Journal of yesterday, entitled "Mr. Coolidge at Habana":

MR. COOLIDGE AT HABANA

President Coolidge's address at the opening of the Pan American Conference in Habana yesterday, as an expression of generalities, was lofty, catholic, and patriotic. It is unfortunate that much of it, in concrete application, will strike the world as ill-timed and maladroit.

Here are some examples:

"The people" of the Western Hemisphere, he is happy to say, "have taken charge of their own affairs."

Let everyone forget, for this special occasion, that "the people" does not include the people of Nicaragua.

"The spirit of liberty is universal."

But it must be shot out and bombed out in Nicaragua.

"The sovereignty of small nations is respected."

Though not necessarily if the nation is as small as Nicaragua.

"It is better for the people to make their own mistakes than to have someone else make their mistakes for them."

Except, of course, when the United States does not choose to let the people of Nicaragua make mistakes.

"We are thoroughly committed to the principle that they are better fitted to govern themselves than anyone else is to govern them."

That is to say, anyone else outside the State Department at Washington.

"We must join together in assuring conditions under which our republics will have the freedom and the responsibility of working out their own destiny in their own way."

Provided, as in the case of Nicaragua, that their destiny is the destiny dictated by us and their own way is our way.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Chairman and gentlemen of the committee, a very good bill, I think, has been suggested in H. R. 9024, but the purpose of the amendment of my colleague from New York would seem to destroy, to my mind, the intention of the bill and all good that the bill could really do in the administration of justice in the city of New York and in other large metropolitan centers where court business is extremely large. I do not pretend to speak for the districts where they only hold a court session once or twice a year and then the Federal judge goes to some other part of the district.

I have in mind my personal experience in trying cases in the Federal courts, for instance, in the State of New Jersey at Trenton, where counsel on each side pays a certain amount of money as a per diem. In Trenton we paid $7.50 apiece for the taking of the stenographer's minutes. In the court at the city of Buffalo I paid $10 and counsel on the other side paid $10 to the stenographer for the purpose of having the minutes taken each day, and the trial of the case lasted some 12 or 14 days. No salaries are paid.

The amendment of my colleague the gentleman from New York [Mr. LAGUARDIA] goes further than this and attempts to write into this bill something which, I believe, is not only not germane to the bill but absolutely destructive of the bill, and that is to put the appointment of all these stenographers and the amount of their compensation and their hiring and their "firing" within the jurisdiction of the Civil Service Commission.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WELLER. Yes.

Mr. LAGUARDIA. My amendment does not go as far as that. It applies only to the qualifying of them, and nothing else.

Mr. WELLER. They would qualify them, and then they can not be removed except upon charges, which is practically similar to the provisions with respect to any appointive officer in the State of New York. In other words, the stenographer could not be discharged except for good cause shown, and he must receive a copy of the charges and have an opportunity to be heard and to be represented by counsel.

Mr. LEHLBACH. If the gentleman will yield for a moment, there is nothing like that in the Federal civil service.

Mr. WELLER. That is the way it will work out under the proposed amendment. You watch it and see if that is not the way it will work out. I have been through it. I have tried to have Federal employees reinstated and I know what a job it is, and unless you do have counsel and unless you go down there and put up a fight, which is equivalent to a fight in court, you can not get your man put back, and I say this with all due deference to the Civil Service Commission.

Mr. LEHLBACH. If the gentleman will permit, there is no provision in the law which entitles a clerk to reinstatement if his dismissal is not on account of either religion or politics.

Mr. WELLER. I do not know whether the gentleman was present when the gentleman from New York [Mr. LAGUARDIA] read his proposed amendment, which provides that the appointment and the classification of the stenographer and the question of whether or not the stenographer has proper attainments and ability, should all be determined after investigation and examination by the Civil Service Commission.

Mr. LEHLBACH. If the gentleman will yield further——

Mr. WELLER. Yes.

Mr. LEHLBACH. I am not in sympathy with the amendment, and I am not defending the amendment. I am merely trying to dispel any belief that may exist among the membership of the House that there is any real, adequate protection in the civil service law for reinstatement of an employee who is wrongfully dismissed, provided the dismissal was not based on religion or politics. He can be dismissed for any reason, and there is no way of getting him back, and there is no hearing allowed, either.

Mr. WELLER. Yes. I am very glad to know that, and I do not think the gentleman and I are differing very seriously about the situation, except I am talking the practical end of it and the gentleman is talking the statute.

What I have in mind is that if you are going to take away from the judge of the court the appointment of these stenographers, which power, from almost time immemorial, the judge has had, and take the hiring and, so to speak, the "firing" of the stenographers away from the judge of the court, then you are making a radical change. The judges themselves should have the absolute power to appoint competent men.

We have now throughout the United States in the various courts very competent men who are taking stenographic records, and have been doing so for years. They also often assist a judge when he is writing his opinion and the relation is highly confidential, so that the judge should always be permitted to exercise his choice.

If this proposed amendment goes into effect the result would be that these men would have to be relegated to the Civil Service Commission, or something tantamount to it. Why should those who have been doing satisfactory work for judges, taking records for years, be compelled to go to any kind of a Civil Service Commission?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. I yield the gentleman five minutes more.

Mr. WELLER. Why should we, under the circumstances, change the fundamental organization of our courts by placing the appointive power practically in the hands of the Civil Service Commission, because unless the Civil Service Commission O. K's the judge's stenographer who is sometimes the judge's secretary, that man can not be appointed no matter how well qualified he is.

Mr. SCHAFER. Is the gentleman opposed to civil service?

Mr. WELLER. No; I am not.

Mr. SCHAFER. The gentleman a few moments ago related what a lot of red tape would be required to have employees under civil service reinstated—you would have to have a hundred times as much under political pressure to get a man reinstated.

Mr. WELLER. That may be true, but with reference to the reinstatement of a stenographer against whom charges have been preferred, for all practical purposes he could not be reinstated. Supposing a disappointed litigant made charges that the stenographic notes had not been taken properly, that they had not been fairly taken, and that matter was to go before a public hearing. It would practically destroy the usefulness of that stenographer forever, even though he was cleared of the charges made against him. It would practically destroy his usefulness, and in case the judge who appointed him dies or resigned, he would not be reappointed by any other judge because the record of the proceeding would be in the Civil Service Commission and no judge would want a stenographer who had the slightest trace of suspicion or accusation against him. I hope the amendment offered by the gentleman from New York will be voted down. I indorsed the bill, and I think there should be a salary for the districts where there would be an amount of work done comportable with the district itself. The bill was drawn to that effect. Where the work in the district is particularly heavy there is an added compensation given to him in that he may charge for his services in furnishing minutes to counsel on either side.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. HICKEY. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Chairman and gentlemen of the House, I do not want to take any unnecessary time in the discussion of this except to point out two salient features that make it absolutely advisable legislation. Anybody who has had any experience in the Federal courts knows that it is necessary under present conditions to pay the stenographer's fees out of your own pocket. If you are unfortunate enough to represent a litigant who has no money and your litigation takes several days you are placed in the unenviable position of being obliged to pay a large expense out of your own pocket.

In almost every State the court stenographers are paid by the State itself. Not only is the present Federal practice unfair but it is discriminatory against the poor litigant.

Now, the most potent feature of this is that in making up the charge the judge is dependent on the manuscript and testimony written out by the stenographer, with whom he had nothing to do as far as selection is concerned. In other words, the judge in making up the data for his charge must go to the counsel in the case and ask permission to use their stenographer to furnish the transcript. So this bill, if it does not accomplish anything else, accomplishes this fact, that it gives the court the right to appoint its own stenographer, to be paid by the Government of the United States. Then if counsel want to use that evidence they go to that stenographer and pay out of their own pockets for such transcript of the evidence as they may desire; but the court selects its own stenographer and has the privilege of having the testimony taken by some one that it can select itself, and that makes it very valuable legislation.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. BURTNESS. I agree thoroughly with what the gentleman says as to the need for, and the general purposes of, the legislation, but I confess that I do not think the bill is very clear as to what the reporters to be appointed are obliged to do, or whether litigants will still be compelled to pay fees for merely taking the testimony if the court thinks the litigants should pay such fees. If I understand the gentleman correctly, the object of the bill is that an official reporter be appointed who is to take down all the testimony and proceedings at the trial.

Mr. STOBBS. Yes.

Mr. BURTNESS. And then if either litigant desires to obtain a transcript of the testimony, the litigant shall pay for it?

Mr. STOBBS. Yes.

Mr. BURTNESS. And pay such fees therefor as the courts prescribe?

Mr. STOBBS. Yes.

Mr. BURTNESS. But the gentleman will note that the bill in section 1 provides that such reporters as may be appointed shall attend all sessions of or hearings before the said district

courts, and shall, upon the direction of the court or the request of either party in any civil or criminal action or proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing, and so forth. First, does not that contemplate that even with the appointment of reporters the testimony would not always be taken down and would not be taken down unless requested either by the court or by one of the parties to the action?

Mr. STOBBS. That is perfectly true, but that is the practice in practically all of the courts at the present time. The court may turn to the reporter and say to him that he need not take down this case, or he may say to counsel, "Do you want this case taken down?" In a lot of criminal cases they do not even bother to take the testimony, and the stenographer sits there and does not take it down until the court directs him to do so. That is simply a saving of time and expense. The counsel do not expect to go up to the Supreme Court, and it may involve a fine of only $50. They do not bother to take the evidence, but the court may say to the counsel, "Do you want the testimony taken down?" and if the counsel says "Yes," the court will then direct the reporter to take the testimony.

Mr. BURTNESS. But the bill also goes on to say:

and shall, when directed by the court, or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

Mr. STOBBS. That means simply this: That after the testimony has been taken the court may say to that stenographer, "I want you to write out such and such pages of testimony," and the stenographer will do it, and counsel may come along also and say, "I want such and such pages of testimony," so that either by direction of the court or by the request of counsel it will be transcribed, but counsel will pay for what he orders.

Mr. BURTNESS. But the bill does not say that.

Mr. STOBBS. I think if the gentleman will read it carefully he will see that that is exactly what it does say.

Mr. BURTNESS. I call attention to page 3 to the following language:

The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said court in each district.

Is there an attempt in this bill to distinguish between "fees" and "compensation" as such?

Mr. STOBBS. Oh, no; but in certain parts of the country stenographers write out testimony at, say, 10 cents a folio, while in other places they get 25 cents for a folio of 100 words. It is up to the court to state whether they will get 10 cents or 25 cents.

Mr. BURTNESS. Would not this bill as it is written authorize the court to say to a litigant, "If you want the stenographer to take down the testimony you will have to pay such-and-such fees for the purpose."

Mr. STOBBS. Oh, no. This bill does not say that at all.

Mr. BURTNESS. I think that is what the bill says, but I do not think it is what the committee intends to say. It seems to me it ought to be easy to provide in the bill that the salary or compensation of the reporter shall be along the line suggested here—that is, the compensation provided in State courts—for the work to be done by the stenographer as an official, and I take it that the gentleman feels, as I do, that the principal part of this work would be to take down the testimony and proceedings in the trial of the case, and then if a litigant on either side orders a transcript, that then those fees shall be determined by the court and paid for by the litigant.

Mr. STOBBS. I call the gentleman's attention to page 2, commencing at line 5—

and shall, when directed by the court or the party to the proceedings, transcribe the same.

That makes it obligatory on the stenographer to do what the court tells him to do.

Mr. BURTNESS. And also it makes it obligatory on the stenographer to do what some litigant tells him to do; and if the bill means that the litigant may demand it at any time without paying for it, that would be unfair, because the litigant might demand a transcript of all of the testimony, and the trial may have lasted for several days.

Mr. STOBBS. The bill says further:

The compensation of said stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the district court in each district.

In other words, the court makes the rules and regulations under which any individual litigant may have the transcript. That controls the whole situation.

Mr. BURTNESS. There seems to be some distinction between "compensation" and "fees." Possibly that tends to clarify the intent.

Mr. STOBBS. The two things are quite distinct. "Compensation" is what the Government pays as a salary, and "fees" are what the individual pays for writing out the testimony.

Mr. HAMMER. Will the gentleman yield a moment?

Mr. STOBBS. Surely.

Mr. HAMMER. As I understand, the gentleman is discussing the reporting of civil cases in United States courts in the large cities. Take the State of Maryland outside of Baltimore, and the State of Tennessee except the cities of Nashville, Knoxville, and Memphis, and the State of North Carolina, except the cities of Raleigh, Asheville, Winston-Salem, Charlotte, and Wilmington, and the State of Georgia, with the exception of Savannah and Atlanta, and all the States of Mississippi, Arkansas, and Oklahoma—in all those States there is as much as a whole year in which in some of the courts no civil cases are tried whatever. For instance, there are half a dozen places where Federal courts are held and only one case, either civil or criminal, requiring a stenographer.

Mr. STOBBS. You are talking about Federal courts?

Mr. HAMMER. Yes; I am talking about Federal courts. In the State of North Carolina, where I live, there are three districts. With the exception of two or three in each one of the courts there are no civil cases tried except at special terms or adjourned terms, at which, of course, a stenographer is necessary.

I want to ask this question: Have not the courts the power now to employ stenographers? In criminal cases I know they have ample means under the provisions of the law to secure stenographic reports whenever necessary.

Mr. STOBBS. My information is that there is no provision at the present time authorizing the courts to employ official stenographers.

Mr. HAMMER. There are provisions in which that is done in criminal cases.

Mr. STOBBS. By looking at the bill the gentleman will notice that "the district court in each district shall, for the purpose of perpetuating the testimony and proceedings therein, appoint one or more competent stenographic reporters, as the business to be done may require." Of course, if there is no business to be done requiring the appointment of stenographers, the court will not appoint.

Mr. HAMMER. Does not the gentleman think there would be a tendency to make appointments?

Mr. STOBBS. Oh, no. You must rely on the integrity of the judges.

Mr. HAMMER. I do not mean to reflect upon them, but the disposition in human nature is to create offices when the power is given. The gentleman knows that, or at least should know the tendency of human impulses to prevail on the bench as well as elsewhere.

Mr. STOBBS. I think the judges of the United States courts should be trusted to that extent.

Mr. BLACK of Texas. Mr. Chairman, I have looked in vain as to any estimate of how many stenographers will be appointed and how much they will cost the Government. There seems to be no information whatever as to the cost of this measure to the Federal Government.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CAREW. The gentleman should know that the Committee on the Judiciary never bothers itself with matters of expense to the Government. [Laughter.]

Mr. BLACK of Texas. That may be the reason why the report does not give us any information on that point.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. EDWARDS].

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. EDWARDS. Mr. Chairman and gentlemen of the committee, I think this is good legislation unless we ruin it with the amendment offered by the gentleman from New York. I think it would be a very serious mistake to put these stenographers under the civil service.

However, I want to speak chiefly concerning another feature of the bill, which you will find on page 2, where it is provided that—

Such reporters as may be appointed shall attend all sessions of the district courts and shall, upon the direction of the court or the request of either party in any civil or criminal action or proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel.

I think there ought to be some provision whereby the arguments of counsel in certain cases and under certain circum-

stances shall, at the direction of the presiding judge, be taken down by the stenographer. We have all seen cases arise in the courts where it was well to take down the arguments of counsel. Such an occasion might arise, I will say, where questions of contempt are involved, and also such an occasion might arise where a lawyer, properly looking after the interests of his client, makes remarks that are excluded by the court as improper and he wishes the ruling to become a part of the record. In that event the part of the argument in question should also become a part of the record. It might arise in the case of motions for mistrial. It might arise in many ways where it is in the interest of fair play and justice that the arguments of counsel should be reported.

I propose, on page 2, line 5, after the word "hearing," to strike out the word "except" and substitute the words "including the arguments of counsel when the presiding judge may direct."

Mr. NEWTON. I get the gentleman's idea. It is merely to have the presence of a stenographer, so that in the event something occurs the judge may, in his discretion, order the words to be taken then, and then the work will be done.

Mr. EDWARDS. It will not be taken down unless, in the opinion of the presiding judge, it is proper and necessary. The bill provides that the stenographer shall be present. I think the gentleman will agree with me that cases may arise when in the interests of justice it is proper and necessary to have the arguments of counsel taken down.

Mr. NEWTON. The gentleman is unquestionably correct.

Mr. DYER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BULWINKLE, for five days, on account of public business;

To Mr. HUDSPETH, for one day, on account of illness;

To Mr. STEVENSON, for three days, on account of important business; and

To Mr. LINTHICUM (at the request of Mr. GAMBRILL), for yesterday and to-day.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 38. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect, if it is adopted; to the Committee on the Public Lands.

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924; to the Committee on the Library.

ADJOURNMENT

Mr. DYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Thursday, January 19, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 19, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To authorize an appropriation to provide additional hospitals and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and other purposes (H. R. 70).

Relating to the tribal and individual affairs of the Osage Indians of Oklahoma (H. R. 9294).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON POLICE AND FIREMEN

(10 a. m.)

To increase the pay of the officers and members of the fire department and of the Metropolitan police department of the District of Columbia, and for other purposes (H. R. 364).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To promote the unification of carriers engaged in interestate commerce (H. R. 5641).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

An act entitled "An act to promote export trade," approved April 10, 1918 (H. R. 8927).

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

A meeting to hear Congressman DENISON, of Illinois, and C. J. Jarvis, Bureau of Public Roads, discuss projects to control the flood waters of the Mississippi River.

(2 p. m.—caucus room)

A meeting to hear Dr. H. C. Frankenfield, chief of the river and flood division, Weather Bureau, and Millard F. Bowen discuss projects to control the flood waters of the Mississippi River.

(8 p. m.—caucus room)

A meeting for the discussion of projects to control the flood waters of the Mississippi River.

Mr. REID of Illinois has asked that a notice be posted here stating that the Flood Control Committee would conclude its hearings within a few days, and if there are any Senators or Members of Congress who wish to appear before the committee, Mr. REID would like to have them get in touch with him immediately.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WHITE of Kansas: Committee on Election of President, Vice President, and Representatives in Congress. H. Con. Res. 18. A concurrent resolution proposing an amendment to the Constitution; without amendment (Rept. No. 309). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 5772. A bill to regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, levee, dam, excavation, dredging, drainage, or other construction project, and for other purposes; without amendment (Rept. No. 310). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. J. Res. 59. A joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906; without amendment (Rept. No. 311). Referred to the Committee of the Whole House on the state of the Union.

Mr. BROWNE: Committee on Foreign Affairs. H. J. Res. 156. A joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates; with amendment (Rept. No. 312). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 1406. A bill granting six months' pay to Lucy B. Knox; with amendment (Rept. No. 302). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 2494. A bill granting six months' pay to Vincentia V. Irwin; with amendment (Rept. No. 303). Referred to the Committee of the Whole House.

Mr. EVANS of California: Committee on Naval Affairs. H. R. 4014. A bill for the relief of Kenneth M. Orr; with amendment (Rept. No. 304). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 3442. A bill for the relief of Clifford J. Sanghove; with amendment (Rept. No. 305). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 9149. A bill for the relief of Maj. Chauncey S. McNeil; with amendment (Rept. No. 306). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 7107. A bill for the relief of James Golden; with amendment (Rept. No. 307). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Naval Affairs. H. R. 4766. A bill for the relief of Charles James Anderson, former commander, United States Naval Reserve Force; with amendment (Rept. No. 308). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3165) for the relief of Carl Holm; Committee on Claims discharged, and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 4450) granting a pension to Mary Osmond Rousseau; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 9565) granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River, or to acquire existing bridges; to the Committee on Interstate and Foreign Commerce.

By Mrs. ROGERS: A bill (H. R. 9566) to provide one year's pay to the dependents of personnel of the military service, naval service, or Coast Guard service whose death results from accidents in such services; to the Committee on Military Affairs.

By Mr. ANTHONY: A bill (H. R. 9567) to authorize appropriations for the construction at Fort Leavenworth, Kans., and for other purposes; to the Committee on Military Affairs.

By Mr. MARTIN of Louisiana: A bill (H. R. 9568) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes; to the Committee on the Public Lands.

By Mr. PORTER: A bill (H. R. 9569) authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck; to the Committee on Foreign Affairs.

By Mr. WILLIAMSON: A bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. ZIHLMAN: A bill (H. R. 9571) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes; to the Committee on the District of Columbia.

By Mr. CRAIL: A bill (H. R. 9572) providing for the purchase of a suitable site and the erection of a public building at Hollywood, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 9573) to provide for the further development of agriculture, home economics, and industry; to the Committee on Education.

By Mr. GARRETT of Tennessee: A bill (H. R. 9574) to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for no other purpose," which act was approved June 10, 1920, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Oklahoma: A bill (H. R. 9575) to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office; to the Committee on Printing.

Also, a bill (H. R. 9576) defining the policy of Congress with respect to flood control, the protection and improvement of navigation and conservation upon and along the Ohio River, the Missouri River, the Arkansas River, the Red River, their tributaries, inlets, and outlets, creating "the Ohio, Missouri, Arkansas, and Red River commission," and for other purposes; to the Committee on Flood Control.

By Mr. GASQUE: A bill (H. R. 9577) to provide for the construction of a bridge across the Estherville-Minim Creek Canal, S. C.; to the Committee on Rivers and Harbors.

By Mr. OLDFIELD: A bill (H. R. 9578) for flood control on the White River; to the Committee on Flood Control.

Also, a bill (H. R. 9579) for flood control on the Black River; to the Committee on Flood Control.

By Mr. RATHBONE: A bill (H. R. 9580) authorizing the Secretary of War to award a congressional medal of honor to John E. Andrew; to the Committee on Military Affairs.

Also, a bill (H. R. 9581) to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925; to the Committee on Printing.

By Mr. SELVIG: A bill (H. R. 9582) to amend an act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; to the Committee on Foreign Affairs.

By Mr. WILLIAMSON: A bill (H. R. 9583) authorizing the reporting to the Congress of certain claims and demands asserted against the United States; to the Committee on Expenditures in the Executive Departments.

By Mr. HOUSTON of Hawaii: A bill (H. R. 9584) to amend the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. MEAD: A bill (H. R. 9585) to fix the hours of duty and time credits for the service of railway postal clerks assigned to duty in the railway post-office cars, terminal railway post offices, and transfer officers, and to provide for payment for overtime for service in excess of the standards herein provided; to the Committee on the Post Office and Post Roads.

By Mr. VESTAL: A bill (H. R. 9586) to amend the copyright law in order to permit the United States to enter the International Copyright Union; to the Committee on Patents.

By Mr. EDWARDS: A bill (H. R. 9587) providing for an examination and survey of Savannah (Ga.) Harbor from the bar at the mouth of the Savannah River to the western limits of said harbor to a point opposite the creosoting plant; to the Committee on Rivers and Harbors.

By Mr. STALKER: A bill (H. R. 9588) to amend the national prohibition act, as amended and supplemented; to the Committee on the Judiciary.

By Mr. WATSON: A bill (H. R. 9589) to amend the act of March 3, 1915, by extending to the widows or dependents of officers and enlisted men of the Navy, Marine Corps, or Coast Guard who are killed or disabled as a result of submarine accidents the same pensions as are allowed in aviation accidents; to the Committee on Naval Affairs.

By Mr. ANTHONY: Joint resolution (H. J. Res. 168) for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Homes for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. BLAND: Joint resolution (H. J. Res. 169) establishing a commission to formulate and submit plans for the observance of the one hundred and fiftieth anniversary of the surrender of Cornwallis at Yorktown, Va.; to the Committee on the Library.

By Mr. WELCH of California: Joint resolution (H. J. Res. 170) authorizing establishment of bulk and pier head lines in San Francisco Bay from a point near Point Avisadero (Hunters Point), San Francisco County, to Ravenswood Point, San Mateo County; to the Committee on Rivers and Harbors.

By Mr. BURTON: Joint resolution (H. J. Res. 171) to prohibit the exportation of arms, munitions, or implements of war to certain foreign countries; to the Committee on Foreign Affairs.

By Mr. FISH: Joint resolution (H. J. Res. 172) declaring it the policy of the United States to prohibit the exportation of any arms, ammunition, and implements of war exclusively designed and intended for land, sea, or aerial warfare to any belligerent country without the consent of Congress and providing penalties therefor, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WOOD: Concurrent resolution (H. Con. Res. 19) providing that Congress encourage the use of American materials in American-made goods; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 9590) granting a pension to Mary E. Michael; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 9591) granting a pension to Nancy Mann; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 9592) granting a pension to C. W. Howrey; to the Committee on Pensions.

By Mr. COMBS: A bill (H. R. 9593) granting an increase of pension to Waldo A. Chapman; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 9594) for the relief of Dent, Allcroft & Co., A. J. Baker Co. (Inc.), Horwitz & Arbib (Inc.), and Richard Evans & Sons Co.; to the Committee on Ways and Means.

By Mr. DEAL: A bill (H. R. 9595) granting a pension to Clara M. Craig; to the Committee on Pensions.

Also, a bill (H. R. 9596) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 9597) for the relief of Fred Elias Horton; to the Committee on Naval Affairs.

By Mr. DICKSTEIN: A bill (H. R. 9598) for the relief of Henry A. Richmond; to the Committee on Claims.

By Mr. DAVILA (by request): A bill (H. R. 9599) for the relief of Jose M. Alcover; to the Committee on the Post Office and Post Roads.

By Mr. EATON: A bill (H. R. 9600) granting an increase of pension to Anna M. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9601) granting an increase of pension to Elizabeth E. Matthews; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 9602) granting a pension to Christina Yeager; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 9603) granting an increase of pension to Alice V. Bellney; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 9604) providing for a preliminary examination and survey of the Eastchester Creek to determine such improvements as may be necessary to meet with increasing transportation; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9605) granting a pension to Harriet M. Lester; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 9606) for the relief of W. A. Frink; to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 9607) for the relief of Jeanie G. Lyles; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 9608) granting an increase of pension to Elizabeth B. Holmes; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 9609) for the relief of George C. King; to the Committee on Claims.

Also, a bill (H. R. 9610) for the relief of Louis J. Ramos; to the Committee on Claims.

Also, a bill (H. R. 9611) granting an increase of pension to Alice S. Holbrook; to the Committee on Invalid Pensions.

By Mr. GREEN of Florida: A bill (H. R. 9612) authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry Gainesville 021032; to the Committee on the Public Lands.

By Mr. HALL of Indiana: A bill (H. R. 9613) granting an increase of pension to Elizabeth Havens; to the Committee on Invalid Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 9614) granting an increase of pension to Mrs. John P. Dunn; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 9615) for the relief of William A. McMahan; to the Committee on Claims.

By Mr. JACOBSTEIN: A bill (H. R. 9616) granting an increase of pension to Margaret Ovenburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9617) granting an increase of pension to Lucy M. Couse; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 9618) granting an increase of pension to George W. Marrow; to the Committee on Pensions.

By Mr. MacGREGOR: A bill (H. R. 9619) granting an increase of pension to Frank A. Klein; to the Committee on Pensions.

By Mr. McMILLAN: A bill (H. R. 9620) for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: A bill (H. R. 9621) authorizing the acceptance from the Kingdom of the Serbs, Croats, and Slovenes of the order of the White Eagle, fifth class, conferred on Capt. Walter M. Mann, United States Army; to the Committee on Foreign Affairs.

By Mr. MADDEN: A bill (H. R. 9622) for the relief of First Lieut. Walter T. Wilsey; to the Committee on Claims.

By Mr. MAJOR of Illinois: A bill (H. R. 9623) granting an increase of pension to Effie Charney; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 9624) granting an increase of pension to Bell Norris; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 9625) granting an increase of pension to Amanda C. Long: to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 9626) granting a pension to Minnie E. Peck; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9627) granting an increase of pension to Amanda S. Fano; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 9628) granting a pension to James Steele; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 9629) for the relief of the owners of the British steamship *Larchgrove;* to the Committee on Foreign Affairs.

Also, a bill (H. R. 9630) for the relief of Richard L. Sprague; to the Committee on Foreign Affairs.

By Mr. PRATT: A bill (H. R. 9631) granting an increase of pension to Hannah Cornelius; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9632) granting an increase of pension to Julia Breiner; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 9633) granting an increase of pension to Phillip B. Keefer; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 9634) granting an increase of pension to John Lovell; to the Committee on Pensions.

Also, a bill (H. R. 9635) granting an increase of pension to Elmer H. Weddle; to the Committee on Pensions.

Also, a bill (H. R. 9636) granting a pension to Susie Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9637) granting a pension to John York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9638) granting an increase of pension to Benjamin F. Scott; to the Committee on Pensions.

Also, a bill (H. R. 9639) granting an increase of pension to Nancy Collett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9640) granting a pension to Polly Petty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9641) granting a pension to Dill Sizemore; to the Committee on Pensions.

Also, a bill (H. R. 9642) granting an increase of pension to Charles S. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 9643) granting an increase of pension to Eliza Hounshell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9644) granting an increase of pension to Lewis Owens; to the Committee on Pensions.

Also, a bill (H. R. 9645) granting an increase of pension to Rachael Gamblin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9646) granting a pension to Rachel Davidson; to the Committee on Pensions.

Also, a bill (H. R. 9647) granting a pension to Leah E. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9648) granting a pension to William Hampton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9649) granting a pension to Sarah Lawson; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 9650) granting a pension to Mary Dyer; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 9651) granting an increase of pension to Margaret Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9652) granting an increase of pension to Emma C. Cotton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9653) granting an increase of pension to Mary E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9654) granting an increase of pension to Sarah J. Stickle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9655) granting an increase of pension to Sarah E. Browning; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 9656) granting a pension to Frank Lawler; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 9657) granting an increase of pension to Tillie P. Turner; to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 9658) for the relief of Joseph Richard Kearney; to the Committee on Naval Affairs.

By Mr. WILLIAMSON: A bill (H. R. 9659) for the relief of F. R. Barthold; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1931. By Mr. BARBOUR: Petitions of residents of the seventh congressional district of California, protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1932. By Mr. BECK of Wisconsin: Petitions from certain residents of Baraboo, Reedsburg, Hillsboro, Ironton, La Valle, and Osseo, also Viroqua and La Farge, against House bill 78; to the Committee on the District of Columbia.

1933. By Mr. CHALMERS: Petition to increase the pensions of Civil War veterans and their widows, signed by residents of Toledo, Ohio; to the Committee on Invalid Pensions.

1934. By Mr. CLARKE: Petition from citizens of Oxford, N. Y., and vicinity, against compulsory Sunday observance; also from citizens of Johnson City, Binghamton, and vicinity, against compulsory Sunday observance; also from citizens of Morris and vicinity, against compulsory Sunday observance; also from citizens of Nineveh and vicinity, against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1935. By Mr. COHEN: Petition submitted by Miss A. Larson, 32 East Fifty-first Street, New York City, containing 79 signatures, protesting against House bill 78; to the Committee on the District of Columbia.

1936. Also, petition submitted by Miss Hortense Gilbert, Hotel Ansonia, New York City, containing 48 signatures, protesting against House bill 78; to the Committee on the District of Columbia.

1937. By Mr. COMBS: Petition advocating a Civil War pension bill carrying the following provisions for increase of pensions: $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

1938. By Mr. COOPER of Wisconsin: Petition of citizens of Beloit, Wis., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1939. By Mr. CRAIL: Petition of approximately 600 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1940. Also, petition of approximately 1,400 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1941. Also, petition of approximately 700 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1942. Also, petition of approximately 750 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1943. Also, petition of approximately 600 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1944. By Mr. CRAMTON: Petition signed by Mrs. Hester Goward and 92 other residents of Imlay City, Mich., urging passage of legislation giving higher rates of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

1945. By Mr. DAVENPORT: Petition of Mrs. L. J. Predmore and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1946. Also, petition of Mr. J. W. O'Brien and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1947. By Mr. DENISON: Petition of various citizens of Union County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

1948. By Mr. DOUGHTON: Petition of citizens of Iredell County, N. C., protesting against House bill 78; to the Committee on the District of Columbia.

1949. By Mr. DRANE: Petition of Tampa Chapter, No. 4, Disabled American Veterans of the World War, concerning legislation for disabled veterans; to the Committee on the Civil Service.

1950. Also, petition of citizens of Tampa, Fla., opposing the passage of compulsory Sunday observance laws; to the Committee on the District of Columbia.

1951. By Mr. DRIVER: Petition signed by citizens of Manila, Ark., urging enactment of legislation increasing the pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

1952. By Mr. EATON: Petition of W. R. Wikoff, of Bound Brook, N. J., and 52 other residents of New Jersey, against enactment of the so-called Sunday observance bills; to the Committee on the District of Columbia.

1953. By Mr. ENGLEBRIGHT: Petition of citizens of Jamestown, Sonora, Columbia, and Murphys, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1954. Also, petition of T. L. Sory and other citizens, of Sonora, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1955. Also, petition of F. B. Armitage and other citizens, of Yreka and Dunsmuir, Calif., protesting against the Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1956. By Mr. EVANS of Montana: Petition of Earl D. White and other residents, of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1957. By Mr. FAUST: Petition signed by citizens of Atchison County, Mo., urging immediate consideration of measure to increase pension benefits to Civil War veterans and their widows; to the Committee on Invalid Pensions.

1958. By Mr. FURLOW: Petition of sundry citizens of the first congressional district of the State of Minnesota, opposing compulsory Sunday observance law; to the Committee on the District of Columbia.

1959. By Mr. GARBER: Resolution of Patriotic Order Sons of America of Pennsylvania, Altoona, Pa., asking for enactment and rigid enforcement of stricter deportation and restriction

laws with regard to immigrants to this country; to the Committee on Immigration and Naturalization.

1960. Also, letter of Women's Committee for Repeal of the Eighteenth Amendment, by M. Louise Gross, chairman, in support of Senate Joint Resolution 2; to the Committee on the Judiciary.

1961. Also, letter of Walker's Chapel Citizens' Association, of Arlington County, Va., by John K. White, president, in regard to the construction of a new Chain Bridge over the Potomac River; to the Committee on Interstate and Foreign Commerce.

1962. Also, letter of L. F. Gates, of Lamson Bros. & Co., Chicago, Ill., in support of House Resolution 22 and House bill 378, to protect the American farmer from foreign competition; to the Committee on Ways and Means.

1963. Also, letter of C. W. Briles, State director of vocational education, Oklahoma City, Okla., in support of bill providing for additional funds for agricultural education and for home economics education; to the Committee on Education.

1964. Also, report of the resolution committee to the Sixth Annual Asphalt Paving Conference, in regard to public highways; to the Committee on Roads.

1965. Also, letter of W. P. Luse, in regard to section 611 of the revenue act of 1928; to the Committee on Ways and Means.

1966. By Mr. GRIEST: Petition of Drumore Preparative Meeting of Friends, protesting against the expenditure of large sums of money for increasing the efficiency of the Navy; to the Committee on Naval Affairs.

1967. By Mr. HAWLEY: Petition of residents of Corvallis, Oreg., to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1968. By Mr. HOPE: Petition of the residents of the seventh congressional district of Kansas, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1969. Also, petition of the residents of the seventh congressional district of Kansas, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1970. Also, petition of citizens of the seventh congressional district of Kansas, urging the enactment of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1971. By Mr. HUDSPETH: Petition of veterans of the World War, of Vanderpool, Tex., requesting legislation providing for payment by the Government of portions of amount due on adjusted compensation certificates; to the Committee on Ways and Means.

1972. By Mr. KINDRED: Resolution of the Flushing Unit of the League of Nations Nonpartisan Association, indorsing the Capper and Burton resolutions and the Briand peace proposal, formally renouncing war as an instrument of public policy; to the Committee on Foreign Affairs.

1973. By Mr. KORELL: Petition of numerous citizens of Portland, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance; to the Committee on the District of Columbia.

1974. By Mr. KVALE: Petition of several residents of Alexandria, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

1975. Also, petition signed by Mr. Carl F. Bolin on behalf of the Swedish Evangelical Mission, protesting against the new quota in the immigration law; to the Committee on Immigration and Naturalization.

1976. Also, petition of 11 residents of Alexandria, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

1977. Also, petition of Mrs. Jos. Clarno, Mrs. Mary Olbekson, T. W. Crichette, E. Fiksdal, E. E. Wagoner, and Franklin J. Stevens, Civil War veterans and widows of veterans, of Alexandria, Minn., pleading for increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1978. By Mr. LETTS: Petition of Robert R. Neal and other citizens of Clinton, Iowa, protesting against the passage of House bill 78, or any other bill providing for the compulsory observance of the Sabbath; to the Committee on the District of Columbia.

1979. By Mr. LYON: Petition of certain citizens of Cumberland County, N. C., protesting against passage of House bill 78, providing a Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

1980. By Mr. MEAD: Petition of several physicians of Buffalo, N. Y., favoring the passage of House bill 500, for the relief of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

1981. By Mr. NELSON of Missouri: Petition signed by citizens of Jefferson City, against compulsory Sunday observance; to the Committee on the District of Columbia.

1982. By Mr. NIEDRINGHAUS: Petition of Loren E. Massey and eight other citizens of St. Louis County, Mo., protesting against passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1983. Also, petition of W. H. Massey and 10 other citizens of St. Louis County, Mo., protesting against passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1984. By Mr. PRATT: Petition of citizens of Saugerties, Ulster County, N. Y., urging legislation increasing the pensions of Civil War veterans and their widows; also of citizens of Coxsackie, Greene County, N. Y., urging legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1985. By Mr. SCHNEIDER: Petition of numerous citizens of Lena, Wis., protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1986. Also, petition of numerous citizens of Oconto, Wis., protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1987. Also, petition of numerous citizens of Kewaunee County, Wis., protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1988. Also, petition of numerous citizens of Suring, Wis., protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1989. By Mr. SELVIG: Petition of A. Toutant and 72 other adult residents of Crookston, Polk County, Minn., protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1990. By Mr. SWICK: Petition of Jacob Ginsberg and 18 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1991. Also, petition of E. E. Stockman and 15 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1992. Also, petition of Robert M. King and 19 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1993. Also, petition of Mrs. Selena Dugan and 23 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1994. Also, petition of J. B. Rice and 17 other residents of Lawrence County, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1995. Also, petition of J. C. Glass and 22 other residents of New Castle, Pa., protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1996. Also, petition of George C. McKnight and other residents of New Castle and New Brighton, Pa., protesting against the passage of House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

1997. Also, petition of Joseph David and 32 other residents of New Castle, Pa., protesting the passage of House bill 78, for the compulsory observance of the Sabbath; to the Committee on the District of Columbia.

1998. Also, petition of Charles Brickner and 22 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1999. By Mr. THOMPSON: Petition of Leasure & Eastman, attorneys at law, Ottawa, Ohio, protesting against legislation attacking the surcharge on Pullman tickets, and urging that such regulation be left to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

2000. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against compulsory Sabbath observance legislation; to the Committee on the District of Columbia.

2001. Also, petition of numerous citizens of Louisville, Ky., protesting against compulsory Sabbath observance legislation; to the Committee on the District of Columbia.

2002. Also, petition of numerous citizens of Louisville, Ky., protesting against compulsory Sabbath observance legislation; to the Committee on the District of Columbia.

2003. By Mr. WARE: Petition of citizens of Campbell County, Ky., protesting against House bill 78; to the Committee on the District of Columbia.

2004. Also, petition of citizens of Campbell County, Ky., protesting against House bill 78; to the Committee on the District of Columbia.

2005. By Mr. WILLIAMSON: Petition of certain citizens of Orton, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2006. Also, petition of numerous citizens of Gregory and Tripp Counties, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2007. By Mr. WINGO: Petition of certain citizens of Delaware, Ark., protesting against passage of Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

2008. By Mr. WURZBACH: Petition of Elizabeth Hines, A. B. Hines, Mrs. Roy Henderson, and other citizens of San Antonio, Bexar County, Tex., protesting against House bill 78; to the Committee on the District of Columbia.

2009. By Mr. YON: Petition of W. D. Ramsey, Sol Austin, B. M. Wells, and other citizens of Noma, Fla., for a bill to increase pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2010. Also, petition of E. K. Whidden, William H. Smith, and 92 other citizens of Pensacola, Fla., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2011. Also, petition of N. F. Nelson, Walter Williams, and 127 other citizens of Bay Harbor, Fla., protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2012. Also, petition of Charles O. Franz, H. L. Edwards, C. C. Mitchel, and 14 other citizens of Laurel Hill, Fla., protesting against the passage of the Lankford Sunday closing bill of the District of Columbia; to the Committee on the District of Columbia.

SENATE

THURSDAY, *January 19, 1928*

(Legislative day of Tuesday, January 17, 1928)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

BOARD OF VISITORS TO THE NAVAL ACADEMY

The VICE PRESIDENT. In accordance with law the Chair appoints as members on behalf of the Senate to the Board of Visitors to the United States Naval Academy for the year 1928 the Senator from Massachusetts, Mr. WALSH, the Senator from Oregon, Mr. STEIWER, the Senator from Maryland, Mr. TYDINGS, and the Senator from Colorado, Mr. WATERMAN.

SENATOR FROM ILLINOIS

The Senate resumed the consideration of the resolution (S. Res. 112) opposing the seating of FRANK L. SMITH as a Senator from the State of Illinois, reported from the special committee investigating senatorial campaign expenditures.

Mr. SHORTRIDGE. Mr. President——

Mr. CURTIS. Mr. President, will the Senator from California yield to me that I may make the point of no quorum?

Mr. SHORTRIDGE. I yield for that purpose.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and, after a delay of a few minutes, the following Senators answered to their names:

Ashurst	Cutting	Harrison	Moses
Barkley	Dale	Hawes	Neely
Bayard	Deneen	Hayden	Norbeck
Bingham	Dill	Heflin	Norris
Black	Ferris	Howell	Nye
Blaine	Fess	Johnson	Oddie
Blease	Fletcher	Jones	Overman
Borah	Frazier	Kendrick	Phipps
Bratton	George	Keyes	Pine
Brookhart	Gerry	King	Pittman
Broussard	Gillett	La Follette	Reed, Mo.
Bruce	Glass	McKellar	Reed, Pa.
Capper	Gooding	McLean	Robinson, Ark.
Caraway	Gould	McMaster	Robinson, Ind.
Copeland	Greene	McNary	Sheppard
Couzens	Hale	Mayfield	Shipstead
Curtis	Harris	Metcalf	Shortridge
Simmons	Stephens	Tyson	Waterman
Smith	Swanson	Wagner	Watson
Smoot	Thomas	Walsh, Mass.	Wheeler
Steck	Trammell	Walsh, Mont.	Willis
Steiwer	Tydings	Warren	

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present. The Senator from California will proceed.

PERSONAL EXPLANATION—ALLEGED MEXICAN PROPAGANDA

Mr. HEFLIN. Mr. President, the Washington News this morning has the following about me:

> The Democratic Senators have TOM HEFLIN on their hands and don't know what to do with him. They are holding a conference this morning to try to decide.

Mr. President, on last Tuesday the minority leader, Mr. ROBINSON of Arkansas, came over to my seat and asked me if I was willing to have the Senate adjourn over until Thursday, and make my speech on Thursday instead of Wednesday, that he wanted to have a conference of the Democrats to consider the merchant marine measure. I told him that I preferred to go on with my speech on Wednesday and have the conference Thursday—to-day. I did not know that the conference which met this morning was to consider any part of the controversy raised on yesterday between the Senator from Arkansas and myself. Some have stated that the Senator said he would bring it up at the conference to-day. I did not hear him say that. I thought it was the usual conference, and that we would consider the merchant marine matter.

I had suggested on yesterday that in view of the Senator's very strange conduct in assailing me and my speech, he being for the present the minority leader, he ought to be relieved of that service. I made that suggestion. I did not consult a single Senator on this side about removing him as our leader. I would not expect them to remove him for what he said yesterday. I was merely expressing my own opinion in the matter. I thought his conduct was exceedingly strange, unwarranted, inexcusable, and indefensible. But I would not expect the Senators to meet in a conference and remove him because I felt that way about a matter arising between us.

When he had taken the position that he did take, so unlooked for by Democrats generally on this side—I do not know how many knew that he was going to make that speech; I do not think very many. I think I could name some of them, and I may do it before this debate is over, because this is one forum, thank God, that the people still have where the truth can be uttered, where the forces of concentrated wealth and the power of the Roman hierarchy can not suppress free speech. This is one place we can come to, those who are sent here, and represent their people and speak for the good of their country without consulting any particular Senator as to what course we will pursue.

Everybody who has commented to me on this thing on the outside has said that Senator ROBINSON's attack upon me was the most uncalled-for and outrageous thing they ever heard of; and I agree with them. But I am able to take care of the Senator from Arkansas without asking my party to remove him as leader. I can understand how they would not want to vote to remove him as leader for what he did yesterday. I would not expect them to do that.

This morning I was having a good rest after performing my duty yesterday. I had slept nine hours. A little before 10 o'clock my secretary phoned me that they were having a conference and that I had notice to appear. He did not tell me what was in it. I always get a notice to attend a conference, and I thought it was the usual conference. I did not go, and the Senator from Arkansas in my absence took up the matter as to removing himself as leader and taking him off the committee to investigate the Hearst scandal. I did not know the matter was being considered; knew nothing about it until the conference had adjourned.

Some rather interesting talks were made in the conference. They finally passed a resolution, which I would have expected them to pass, expressing confidence in his leadership. I indorse his leadership myself, in the main. I differ from him on some things. I could not expect them to remove him and I had not asked them to do it. It was only a kind of whitewash arrangement regarding his leadership; they expressed confidence in him and were willing for him to remain on the committee. I would expect them to take that course and I have no quarrel with them for taking that course.

My enemies in the press gallery, who do not represent the best interests of the people—and I do not mean all of them; there are some as fine men up there as you find anywhere, honest, courageous, fine Americans, and I am not talking about them. There are two classes of them; one class is good and